

Futures Without Violence & the National Council of Juvenile & Family Court Judges (NCJFCJ)

present:

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THIS PROJECT WAS SUPPORTED BY GRANT NO. 15JOVW-22-GK-03995 AWARDED BY THE OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEPARTMENT OF JUSTICE. THE OPINIONS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS EXPRESSED BY PROGRAM FACULTY AND IN PROGRAM MATERIALS, INCLUDING POWERPOINT SLIDES, HANDOUTS, AND OTHER PROGRAM DOCUMENTS, ARE THOSE OF THE AUTHORS AND DO NOT NECESSARILY REFLECT THE VIEWS OF THE DEPARTMENT OF JUSTICE, OFFICE ON VIOLENCE AGAINST WOMEN.

Risk Assessment for Elder Abuse

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Aims for Today



Identify empirically based risk factors for elder abuse.



Review risk factors and their impact on decision making in a case.



Consider how to best use this research in practice.

Definition

- The abuse of older people, also known as elder abuse, is an intentional act, or failure to act, by a caregiver or another person in a relationship involving an expectation of trust that causes harm to an adult 60 years and older (WHO).
 - Physical
 - Psychological/Emotional
 - Financial
 - Sexual
 - Neglect

Why should judges learn about elder abuse?

- ▶ Our older population is rapidly growing so judges must be prepared for an increase in elder abuse cases.
- ▶ Elder abuse cases are underreported, so judges must develop heightened awareness regarding detection.
- ▶ Judicial education will enhance orders, sentences, and referrals which will promote victim safety and perpetrator accountability.

Presence in the Courtroom

- Courts may see elder abuse in a variety of contexts:
 - Criminal
 - Civil fraud or conversion
 - Guardianship/conservatorship, other probate
 - Special protective proceedings
 - Health care decisions for an incapacitated adult
 - DV proceedings
 - Criminal or civil institutional matters

A Growing Problem

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1 in 6

Older adults report abuse (WHO, 2022)

58 million  82 million  47% increase 
(in 2022) (in 2050)

Increasing 65+ population in the USA
(Population reference Bureau, 2024)

Opportunities

- Take a leadership role re: training of court staff and personnel.
- Proactively manage violence by effectively utilizing risk assessment, lethality tools.
- Learn about community services, resources, to make appropriate referrals.
- Realize that you play a significant role in reducing violence, victim safety, and perpetrator accountability.

Hope for the Future

Limited research, but advancement in:



**Dynamics of
abuse**

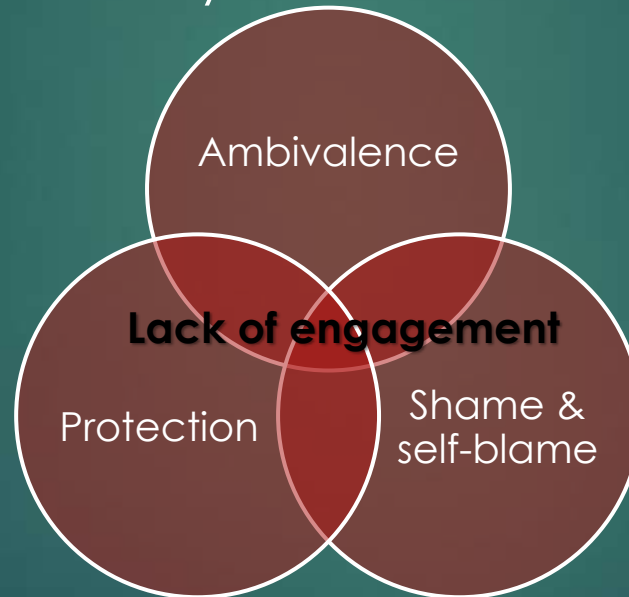


**Risk factors &
assessment**

Elder Abuse: Dynamics

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- Perpetrators usually known to the victim
- Difficult familial dynamics:



- Encourage victim engagement
 - Providing support for the accused

Elder Abuse: Dynamics

- The caregiver model is atypical.
 - Unemployed, substance abuse problems, mental illness and dependent.
 - Aligns with other types of domestic abuse.
 - Unlike our stereotypical view of seniors.
- Phenomenon is broader than a single theory.

Elder Abuse: Risk Factors

Risk factors for elder abuse and neglect: A review of the literature

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ARTICLE INFO

Keywords:

Risk factor

Elder abuse perpetrator

Elder abuse victim

Elder mistreatment

Elder neglect

Abuse of older persons

ABSTRACT

Elder abuse is a global problem gaining recognition due to its severe impact on victims and the ageing population. Increased recognition has led to the investigation of perpetrator and victim characteristics that increase the risk of elder abuse. The identification of such risk factors can assist practitioners in preventing abuse, determining the risk of continued elder abuse and, where factors are dynamic, can be targets for risk management. This literature review identifies and describes perpetrator and victim risk factors for elder abuse with the goal of informing professional practice and providing the basis for an empirically derived risk assessment instrument for elder abuse. Electronic searches identified 198 studies that met the eligibility criteria. The studies reviewed provide evidence supporting eight risk factors related to the perpetrator that increase their risk of continued elder abuse and eight victim vulnerability factors that place the victim at heightened risk of elder abuse. Hypotheses raised by researchers to account for the associations are outlined. The practical utility of the risk and vulnerability factors are described. The need for and approach to developing a structured method to assess and manage elder abuse risk based on the empirically supported risk and vulnerability factors is discussed.

Public significance statement: Empirically supported dynamic risk factors for elder abuse are identifiable for perpetrators and victims of abuse in the existing research literature. These risk factors can be utilised by professionals to inform their practice and target risk management efforts.

Elder Abuse: Risk Factors

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Over 190 studies
(mostly from USA)



Risk factors in 4 domains

Nature of
Abuse

Perpetrator

Victim

Community
& Institution

Harm to Older Persons Evaluation: HOPE

- Actual, attempted, or threatened physical or serious psychological harm
- Vulnerable older adult
- Accused holds a positions of trust, responsibility, or authority
- Dynamic risk factors
- Structured Professional Judgement



HOPE

**User Manual for the
Harm to Older Persons Evaluation**

Jennifer E. Storey, Stephen D. Hart, & P. Randall Kropp

Case Example:

Justin and Dorothy

Circumstances

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- Dorothy (70) is mother to Justin (36).
- Father, William (73), contacts Dorothy, distant with Justin.
- Pending offence (in 2019)
 - Dorothy pushed to the floor by Justin who repeatedly punched and kicked her and made threats to kill.
 - Dorothy had visible bruising, was taken to hospital.
 - Dorothy is fearful for her life, asked him to leave but he didn't.
 - Justin was intoxicated, left scene, but was located, arrested and charged with assault.
 - Justin denies assault, claims she may have fallen.
 - Dorothy is not supportive of prosecution.

Justin

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➤ Youth

- Violent on ~12 occasions to Dorothy (slapping, punching, spitting).
- Using marijuana, truant, did not graduate high school.
- Dorothy says he matured in his late teens and became “lovely again”.

➤ Medical

- Depression, anxiety, agoraphobia and day-night reversal.
- General practitioner prescribes medication and refers to treatment. Rarely attends general practitioner.
- Took overdose of medication x2; reported fleeting suicidal thoughts.
- Manages his low mood by isolating himself and “calming himself down”.
- Longstanding binge drinking and may be using aerosols.
- Dorothy says he becomes violent when drinking (slapping Dorothy).

Justin

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➤ Social

- Often online overnight, not rising until late afternoon.
- Rarely leaves home, claims support from mom and “online friends”.
- Unemployed, has been found unfit to work on occasion.
- General practitioner says he is somewhat “childlike” and unwilling to take responsibility for his own life.
- Dorothy says he has no respect for women, expects them to do all chores and be “punished like a man”.

➤ Criminal

- Caution for criminal damage (2003).
- 4x Dorothy calls police due to fear and/or verbal abuse due to his intoxication (2008, 2009).
- 4x assaults on male and female acquaintances (2009, 2011).
- Multiple police contacts for purchasing illegal knives (2016-2018).

Dorothy

- Describes Justin as a wonderful son who is affectionate, great company and makes her laugh.
- She says she had been trying to shelter and protect Justin by not reporting longstanding abuse (5+ years).
- Suffers from mobility issues and falls. Supported by professional care providers, has a personal alarm.
- Suffers from agoraphobia and engages in hoarding.
- Justin claims to look after Dorothy but an assessment concluded that she does not rely on him.
- Extended family lives far away but Dorothy wants to move closer.

Support and Current Circumstances

- Justin received bail
 - No contact Dorothy, direct or indirect
 - No go Dorothy's address
 - There were no other conditions of residence
 - Justin was bailed to reside with his father. William is retired, lives alone and engages in hoarding. He is undergoing prostate cancer treatment.
- Dorothy's family is supportive of her moving closer.
- Dorothy has been provided with safety planning and home safety services and maintains her alarm.

HOPE Risk Factors

Nature of Abuse Factors

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Case ratings

N1. Neglect

- Failure to meet the needs of a vulnerable older person, the victim.

X

N2. Emotional Abuse

- Attempts to cause the victim emotional pain.

✓

N3. Financial Abuse

- Attempts to obtain some good or benefit from the victim.

X

N4.
Intimidation/Threats

- Attempts to induce fear via actions that threaten physical, psychological or social harm.

✓

N5. Physical Abuse

- Attempts to cause physical harm to the victim or secondary victims.

✓

Nature of Abuse Factors

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Case ratings

N6. Abuse is Persistent

- Abuse that is chronic, enduring, intense, or continuous.



N7. Abuse is Escalating

- Abuse that is worsening over time in frequency, diversity or severity.



N8. Abuse Involves Supervision Violations

- Abuse that occurs or continues despite formal warnings.



Perpetrator Risk Factors

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Case ratings

P1. Physical Health Problems

- Includes illness and functional impairment.

X

P2. Mental Health Problems

- Problems with mental & personality functioning.

✓

P3. Substance Use Problems

- Serious problems with health or social functioning from the use of substances.

✓

P4. Dependency

- Perpetrator is dependent on others.

✓

Perpetrator Risk Factors

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Case ratings

P5. Problems with Stress and Coping

- Problems with stress related to an inability to cope with life problems.



P6. Problematic Attitudes

- Problems with attitudes related to caregiving, older persons or the rights of others.



P7. Victimization

- Previous abuse experienced or witnessed during childhood or adolescence.



P8. Problems with Relationships

- Problems establishing or maintaining positive, prosocial intimate and non-intimate relationships.



Victim Vulnerability Factors

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Case ratings

V1. Physical Health Problems

- Includes illness and functional impairment.



V2. Mental Health Problems

- Problems with mental & personality functioning.



V3. Substance Use Problems

- Serious problems with health or social functioning from the use of substances.



V4. Dependency

- Victim is dependent on the perpetrator.



Victim Vulnerability Factors

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Case ratings

V5. Problems with Stress and Coping

- Problems with stress related to an inability to cope with life problems.



V6. Problematic Attitudes

- Serious problems with victim's minimization of and inconsistent attitudes toward perpetrator, their behavior, and the risks they pose.



V7. Victimization

- Previous abuse experienced or witnessed by the victim.



V8. Problems with Relationships

- Includes problems with the perpetrator and others, and the victim's living arrangements with these individuals.



Community & Institutional Responsivity Factors

Case ratings

Perp Victim

R1. Problems with Availability

- Problems with the availability of resources and support.

X

X

R2. Problems with Accessibility

- Problems with the ease with which resources and support can be accessed.

✓

✓

R3. Problems with Affordability

- Problems with the cost of resources and support.

X

X

R4. Problems with Acceptability

- Problems with the willingness to accept or satisfaction with resources and support.

✓

?

R5. Problems with Appropriateness

- Problems with the nature/quality of the resources.

X

X

HOPE: Management

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Monitoring

- How should the perpetrator's risk be monitored?

Treatment

- What rehabilitative strategies for the perpetrator could manage the risk posed?

Supervision

- What restrictions on the perpetrator's freedom could manage the risk posed?

Victim Safety Planning

- What could enhance victim security?

Case Example: Management Recommendations

- Monitoring
 - Regular general practitioner and mental health follow-up
 - Social worker or victim liaison and current carers to follow-up with Dorothy
 - Follow-up with William (possibly probation)
- Treatment
 - Pharmacological treatment
 - Community treatment order
 - Substance use treatment
 - Counselling for all mental health conditions and poor relationships/socialisation
 - Social and employment skills

Management Recommendations

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- Supervision
 - Treatment order
 - Probation with stringent no contact, no substance use and treatment conditions or incarceration

- Victim Safety Planning
 - Reside separately
 - Protection order
 - Continued personal alarm
 - Change and improve door locks
 - Safety planning
 - Treatment for agoraphobia, hoarding
 - Counselling or support group (possibly online) and increase socialisation
 - Facilitate move to location of family

How might this help to assess risk level?

Case Example: Risk Level

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- What is the degree of effort required to stop the abuse?
- What is the overall risk level?
- Consider:
 - The number of risk factors that are present,
 - How much management is needed to end the abuse.

Low

Moderate

High



Case Conclusion

Using Elder Abuse and Risk Information

Risk factor awareness

Linking conditions to risk factors

Identifying elder abuse in diverse cases

Harm to Older Persons Evaluation (HOPE) risk factors

Nature of Abuse	Perpetrator Risk Factors	Victim Vulnerability Factors	Community and Institutional Responsibility Factors
N1. Neglect	P1. Problems with Physical Health	V1. Problems with Physical Health	R1. Problems with Availability
N2. Emotional Abuse	P2. Problems with Mental Health	V2. Problems with Mental Health	R2. Problems with Accessibility
N3. Financial Abuse	P3. Problems with Substance Use	V3. Problems with Substance Use	R3. Problems with Affordability
N4. Intimidation /Threats	P4. Dependency	V4. Dependency	R4. Problems with Acceptability
N5. Physical Abuse	P5. Problems with Stress and Coping	V5. Problems with Stress and Coping	R5. Problems with Appropriateness
N6. Abuse is Persistent	P6. Problems with Attitudes	V6. Problems with Attitudes	
N7. Abuse is Escalating	P7. Victimization	V7. Victimization	
N8. Abuse Involves Supervision Violations	P8. Problems with Relationships	V8. Problems with Relationships	

Judge's Role in Risk Assessment

- ▶ Judges are required to assess risk at several stages of proceedings in a variety of cases.
- ▶ Though judges should not be conducting risk assessments from the bench, it is helpful to be familiar with leading risk factors in order to have a fuller picture of the situation.
- ▶ Ultimately, judges make the decisions based upon a totality of circumstances and risk assessment information is one source.
- ▶ Judges have used other risk data in domestic violence cases by creating or utilizing short forms including dangerousness factors.

Stay Connected with us!



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Thank you!