

S.A.F.E. Notes

From the Elder SAFE Program of The 30th Judicial District Alliance — January 2010

SOME FACTS OF AGING & ABUSE, EXPLOITATION AND NEGLECT

- ◇ According to the 2007 U.S. Census estimate, approximately 52.4 million Americans are over 60-years or older—that number is expected to climb dramatically in the next 10-20 years
- ◇ Persons over 60-years old and older experience 90% of abuse and neglect incidents by known perpetrators, usually family members such as adult children or spouses
- ◇ 42% of murder victims over the age of 60 were killed by their own offspring
- ◇ According to the Bureau of Justice Statistics, the eldest of seniors—age 80+ years—are abused and neglected at 2-3 times the rate of all other senior citizens
- ◇ 1 in 4 women over the age of 65 are victims of physical, sexual or psychological violence by a spouse or intimate partner
- ◇ Data on domestic elder abuse suggest that only 1 in 14 incidents, excluding incidents of self-neglect, come to the attention of authorities
- ◇ Financial exploitation impacts at least 5 million elder victims each year. Current estimates suggest only 1 in 25 cases are ever reported to authorities.
- ◇ Abuse can dramatically shorten the life of an older victim. A mortality rate study found that by the end of the 13th year only 9% of abused elders were still living as compared to 40% non-abused elders.



LAW ENFORCEMENT AND ELDER ABUSE

Law enforcement is a key partner in preventing elder abuse and responding to crimes against the elderly.

- If you happen upon an emergency situation where there is immediate need of safety or medical care for an individual—**CALL 9-1-1**
- **If you suspect a crime has been committed, please call your local law enforcement agency as soon as possible** (all of the numbers for sheriff's offices in the seven western counties are found on page 3 of this newsletter)
- A familiar way that law enforcement works within the community is through welfare checks. Some cases of elder abuse, neglect and exploitation are discovered through routine checks of seniors.
- Get to know the officers that patrol your neighborhood—before you need them.

RESOURCES IN THE
WESTERN COUNTIES OF
NORTH CAROLINA

Adult Protective Services

Cherokee County

(828) 837-7455

Clay County

(828) 389-6301

Graham County

(828) 479-7911

Haywood County

(828) 452-6620

Jackson County

(828) 586-5546

Macon County

(828) 349-2124

Swain County

(828) 488-6921

**Alzheimer's Association of
Western North Carolina**

(828) 254- 7363

**Southwestern
Commission on Aging**

(828) 488-9211

NORTH CAROLINA ELDER ABUSE STATUTES

There are two primary statutes in North Carolina that deal with elder abuse. One defines and outlines the abuse and neglect of elders, the other with the financial exploitation of elders. You will notice that these statutes combine both elders and adults with disabilities. It must be noted that an elder is defined as age 60-years or older in North Carolina.

14-32.3. Domestic abuse, neglect, and exploitation of disabled or elder adults

(a) **Abuse.** – A person is guilty of abuse if that person is a caretaker of a disabled or elder adult who is residing in a domestic setting and, with malice aforethought, knowingly and willfully: (i) assaults, (ii) fails to provide medical or hygienic care, or (iii) confines or restrains the disabled or elder adult in a place or under a condition that is cruel or unsafe, and as a result of the act or failure to act the disabled or elder adult suffers mental or physical injury.

If the disabled or elder adult suffers serious injury from the abuse, the caretaker is guilty of a Class F felony. If the disabled or elder adult suffers injury from the abuse, the caretaker is guilty of a Class H felony.

(b) **Neglect.** – A person is guilty of neglect if that person is a caretaker of a disabled or elder adult who is residing in a domestic setting and, wantonly, recklessly, or with gross carelessness: (i) fails to provide medical or hygienic care, or (ii) confines or restrains the disabled or elder adult in a place or under a condition that is unsafe, and as a result of the act or failure to act the disabled or elder adult suffers mental or physical injury.

If the disabled or elder adult suffers serious injury from the neglect, the caretaker is guilty of a Class G felony. If the disabled or elder adult suffers injury from the neglect, the caretaker is guilty of a Class I felony.

(c) **Exploitation.** (now in G.S. 14-112.2)

(d) **Definitions.** – The following definitions apply in this section:

- (1) **Caretaker.** – A person who has the responsibility for the care of a disabled or elder adult as a result of family relationship or who has assumed the responsibility for the care of a disabled or elder adult voluntarily or by contract.
- (2) **Disabled adult.** – A person 18 years of age or older or a lawfully emancipated minor who is present in the State of North Carolina and who is physically or mentally incapacitated.
- (3) **Domestic setting.** – Residence in any residential setting except for a health care facility or residential care facility as these terms are defined in G.S. 14-32.2.
- (4) **Elder adult.** – A person 60 years of age or older who is not able to provide for the social, medical, psychiatric, psychological, financial, or legal services necessary to safeguard the person's rights and resources and to maintain the person's physical and mental well-being.

14-112.2. Exploitation of an elder adult or disabled adult.

(a) The following definitions apply in this section:

- (1) **Disabled adult.** – A person 18 years of age or older or a lawfully emancipated minor who is present in the State of North Carolina and who is physically or mentally incapacitated as defined in G.S. 108A-101(d).
- (2) **Elder adult.** – A person 60 years of age or older who is not able to provide for the social, medical, psychiatric, psychological, financial, or legal services necessary to safeguard the person's rights and resources and to maintain the person's physical and mental well-being.

(b) It is unlawful for a person: (i) who stands in a position of trust and confidence with an elder adult or disabled adult, or (ii) who has a business relationship with an elder adult or disabled adult to knowingly, by deception or intimidation, obtain or use, or endeavor to obtain or use, an elder adult's or disabled adult's funds, assets, or property with the intent to temporarily or permanently deprive the elder adult or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elder adult or disabled adult.

(c) It is unlawful for a person, who knows or reasonably should know that an elder adult or disabled adult lacks the capacity to consent, to obtain or use, endeavor to obtain or use, or conspire with another to obtain or use an elder adult's or disabled adult's funds, assets, or property with the intent to temporarily or permanently deprive the elder adult or disabled adult of the use, benefit, or possession of the funds, assets, or property, or benefit someone other than the elder adult or disabled adult. This subsection shall not apply to a person acting within the scope of that person's lawful authority as the agent for the elder adult or disabled adult.

(d) A violation of subsection (b) of this section is punishable as follows:

- (1) If the funds, assets, or property involved in the exploitation of the elderly person or disabled adult is valued at one hundred thousand dollars (\$100,000) or more, then the offense is a Class F felony.
- (2) if it is valued at twenty thousand dollars (\$20,000) or more but less than one hundred thousand dollars (\$100,000), then the offense is a Class G felony.
- (3) if it is valued at less than twenty thousand dollars (\$20,000), then the offense is a Class H felony.

(e) A violation of subsection (c) of this section is punishable as follows:

- (1) If the funds, assets, or property involved in the exploitation of the elderly person or disabled adult is valued at one hundred thousand dollars (\$100,000) or more, then the offense is a Class G felony.
- (2) if it is valued at twenty thousand dollars (\$20,000) or more but less than one hundred thousand dollars (\$100,000), then the offense is a Class H felony.
- (3) if it is valued at less than twenty thousand dollars (\$20,000), then the offense is a Class I felony.

(These are detailed summaries of the law, the entire statute can be found online at: <http://www.ncga.state.nc.us/gascripts/Statutes/Statutes.asp>)

Sheriff's Offices

Cherokee County

(828) 837-2589

Clay County

(828) 389-6354

Graham County

(828) 479-3352

Haywood County

(828) 452-6666

Jackson County

(828) 586-8901

Macon County

(828) 349-2104

Swain County

(828) 488-4844

Legal Aid of North Carolina

(828) 586-8931

NC Lawyer Referral Service

(800) 662-7660

TOLL FREE

North Carolina AARP Office

(866) 389-5650

TOLL FREE

SENIOR SAFETY TIPS

(collected tips and hints for your safety)

Shopping

- Carry your purse very close to you . . . don't dangle it from your arm. Never leave your purse in a shopping cart. Never leave your purse unattended.
- Don't carry any more cash than is necessary. Many grocery stores now accept checks and automatic teller cards instead of cash.
- Don't display large sums of cash.



Banking

- Many criminals know exactly when government checks arrive each month, and may pick that day to attack. Avoid this by using Direct Deposit, which sends your money directly from the government to the bank of your choice. And, at many banks, free checking accounts are available to senior citizens. Your bank has all the information.
- Never withdraw money from your bank accounts for anyone except YOURSELF. Be wary of con artists and get-rich schemes that probably are too-good-to-be-true.
- You should store valuables in a Safe Deposit Box.
- Never give your money to someone who calls on you, identifying himself as a bank official. A bank will never ask you to remove your money.
- If you have been swindled or conned, report the crime to your local police or District Attorney's office.

For more information on Elder Abuse and Exploitation:

Elder SAFE

(SAFETY ASSURANCE FOR ELDERS)

30th Judicial District Domestic Violence-Sexual Assault Alliance, Inc.

P.O. Box 554

Waynesville, NC 28786

(828) 452-2122

TOLL FREE

(866) 496-5406

www.eldersafe.net

Elder SAFE is supported by Grant No. 044-1-09-041-AV-219 awarded by the U.S. Department of Justice, through the Governor's Crime Commission Funds from The Duke Endowment, Z-Smith Reynolds Foundation and the JanIrv Foundation also supported the organization in 2009