


**CEC**  
Center for Elders and the Courts  
www.eldersandcourts.org



## Elder Abuse & Neglect

### Module One: The Physiology of Aging

The National Center for State Courts developed this curriculum in collaboration with the Center of Excellence on Elder Abuse and Neglect at the University of California, Irvine School of Medicine with support from the Retirement Research Foundation of Chicago (grant number 2008-056).

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## Module One Goal



**Goal**  
Judicial officers will understand the physical, emotional, and cognitive effects of aging and their impact on the vulnerability of older persons.

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## Module One Objectives

At the conclusion of Module One, judges should be knowledgeable about

- ü Demographics of aging
- ü Myths and facts of aging
- ü Common aspects of aging
- ü Age-associated vulnerabilities



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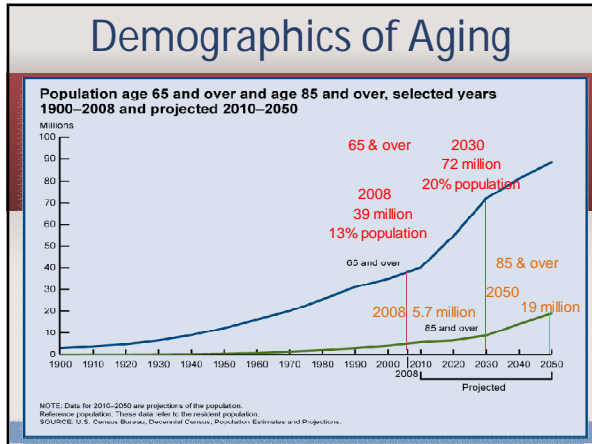
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### State-Specific Demographics

- Add a slide referring to your state's aging population

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### Demographics of Aging

There will be more older Americans than at any other time in history, living longer lives.

All sectors of society will be increasingly strained to meet the needs of older Americans.

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## Gender and Aging

**Vulnerability**

- Living Longer
- Single
- Living Alone
- Poverty

Women's longer life expectancies mean that a disproportionate number of elders are women.

Elderly women are more likely than men to be widowed or divorced and living alone.

Women's incomes are significantly lower than men's for every age group over 50.

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## Interactive Exercise

**Meet AGNES**

Age  
Gain  
Now  
Empathy  
System

Photo by Nathan Fried Lipski. Used with permission from MIT AgeLab.

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## Myths and Facts of Aging

**Myth:** Due to failing memories and confusion, older people make poor witnesses

**Fact:** Age alone does not affect a person's credibility

**ISSUE:** Will judges and jurors accept an older person's testimony as truthful and accurate?

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## Myths and Facts of Aging

**Myth:** As people age, they will eventually be fully incapacitated

**Fact:** Incapacity is not part of the normal aging process and fluctuates when it does occur

**ISSUES:** How does age influence judicial determination of incapacity?  
How can the court accommodate fluctuating levels of capacity?



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## Vulnerability

What makes elders more vulnerable?



Physical Impairments



Emotional Issues



Cognitive Impairments





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## The Case of "Marva"





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## Common Aspects of Aging

- Sensory changes—hearing loss, vision disorders
- Cardiovascular changes—higher blood pressure
- Musculoskeletal changes—bone density, arthritis
- Neurological changes—decreased reaction time



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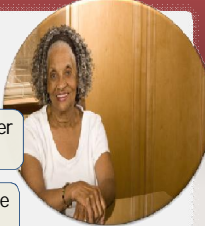
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## Physical Vulnerabilities



- Normal changes, such as thinner skin and slower reaction times
- Greater susceptibility to disease and illness
- Medications are generally not metabolized as rapidly



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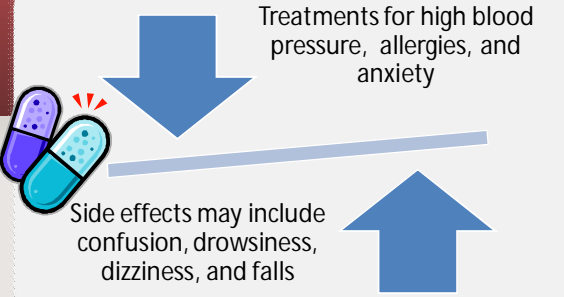
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## Effects of Common Medications



Treatments for high blood pressure, allergies, and anxiety

Side effects may include confusion, drowsiness, dizziness, and falls



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## IADLs and ADLs

<h3>Instrumental Activities of Daily Living</h3> <p>Activities needed for independence in the community</p> <ul style="list-style-type: none"><li>• Handling finances</li><li>• Use of telephone</li><li>• Transportation</li><li>• Medication management</li><li>• Meal preparation</li><li>• Shopping</li></ul>	<h3>Activities of Daily Living</h3> <p>Activities needed for independence in the home</p> <ul style="list-style-type: none"><li>• Mobility</li><li>• Bathing</li><li>• Dressing</li><li>• Feeding oneself</li><li>• Toileting</li><li>• Continence</li></ul>
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## Functional Limitations

**39% of elders have some type of functional limitation**

<p>14% experience IADL limitations</p> <p><i>e.g., shopping, managing money</i></p>	<p>25% experience IADL and at least one ADL limitation</p> <p><i>e.g., bathing, dressing, using the toilet</i></p>
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Reference population: These data refer to Medicare enrollees age 65 and over. Source: Centers for Medicare and Medicaid Services, Medicare Current Beneficiary Survey.

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## Health Issues for People Age 85+

Prevalence of Chronic Conditions, Disability, and Functional Limitations

Category	Percentage
None of the three problems	44%
Chronic conditions only	17%
Disability only	3%
Any 2 of the 3 problems	32%
All three problems	4%

AARP "Beyond 50: A Report to the Nation on Trends in Health Security." (Washington, D.C.: AARP, May 2002). Data is from 1996.

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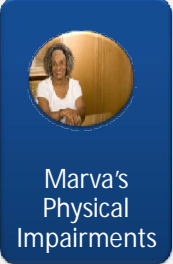
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## Interactive Exercise



How might Marva's physical condition make her more vulnerable to abuse, neglect, or financial exploitation?

What issues might bring Marva to the attention of the court?



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## Emotional Vulnerabilities



Issues:

- Depression & anxiety
- Coping with multiple losses

Fear of losing independence can make older people more vulnerable to threats



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## Emotional Vulnerabilities


Why do depression & anxiety often go undiagnosed and untreated in older adults?

Physicians

- Don't ask/listen
- Normalize depression

Older Adults

- Subject is taboo
- Depression is a part of aging
- Afraid to "become a burden"



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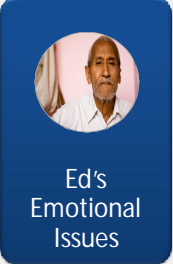
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## Interactive Exercise



How might Ed's emotional state make him more vulnerable to abuse, neglect, or financial exploitation?

What issues might bring Ed to the attention of the court?



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## Cognitive Vulnerabilities



Cognitive changes may be subtle or obvious

Cognition may vary by time of day

Cognition may vary by circumstance



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## Characteristics of Dementia

Dementia must include decline in memory and at least one of the following cognitive abilities

Ability to generate coherent speech or understand spoken or written language	Ability to recognize or identify objects	Ability to execute motor activities	Ability to think abstractly, make sound judgments and plan and carry out complex tasks
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The decline in cognitive abilities must be severe enough to interfere with daily life



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## Alzheimer's Disease

Most common type of dementia that accounts for 60-80 percent of cases	The greatest risk factor is advancing age; 43% of people over 85 have Alzheimer's Disease
<b>Alzheimer's Disease</b>	
More women than men have Alzheimer's Disease	The number of people 65+ with Alzheimer's disease is estimated to reach 7.7 million in 2030

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## Early Alzheimer's Disease

**VULNERABILITY TO FINANCIAL ABUSE**

**SYMPTOMS** ← Short term memory    Words    Judgment

Common Issues

- Should the individual continue to drive?
- Can the person continue to manage his or her finances?

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## Moderate Alzheimer's Disease

**VULNERABILITY TO PHYSICAL ABUSE**

**SYMPTOMS** ← Behavior    Dressing    Insight

Common Issues

- Is the person safe at home?
- Can the person continue to function independently?

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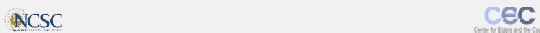
## Severe Alzheimer's Disease

**VULNERABILITY TO NEGLECT**

**SYMPTOMS** ← Communication Mobility Swallowing

Common Issues

- What are the risks and benefits of medical intervention?
- What measures should be taken to ensure proper nutrition?



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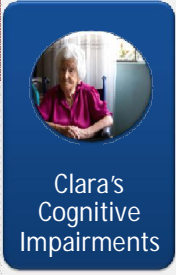
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## Interactive Exercise



Clara's Cognitive Impairments

What issues might bring Clara to the attention of the court?



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## Implications for the Court

- More elders will come before the court
- More cases will involve medical & psychological terminology
- Accommodations for elders will be imperative
- More cases will require assessments by medical professionals



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“...Elder abuse and financial exploitation will appear in increasing numbers on the civil and criminal dockets. ...Every court needs to take a close look at their preparedness, because the numbers are coming whether they're prepared or not.”  
—Sally Hurme, AARP



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## Additional Resources

Visit the National Center for State Courts' Center for Elders and the Courts at

[www.eldersandcourts.org](http://www.eldersandcourts.org)



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