


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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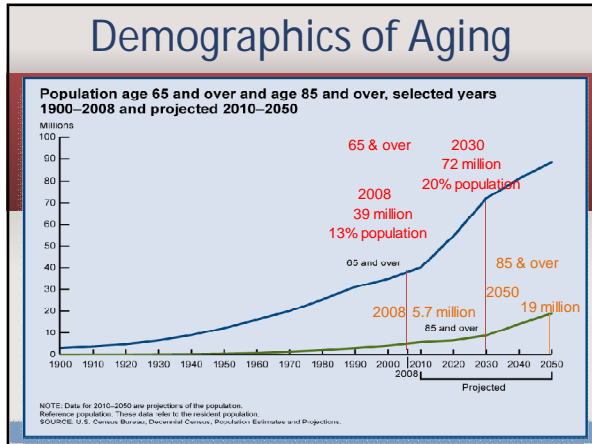
Module One Objectives

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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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.



Interactive Exercise

Meet AGNES

Age
Gain
Now
Empathy
System






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





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?




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?



Vulnerability

What makes elders more vulnerable?

Physical Impairments

Emotional Issues

Cognitive Impairments




The Case of "Marva"

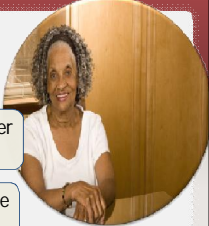


Common Aspects of Aging


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



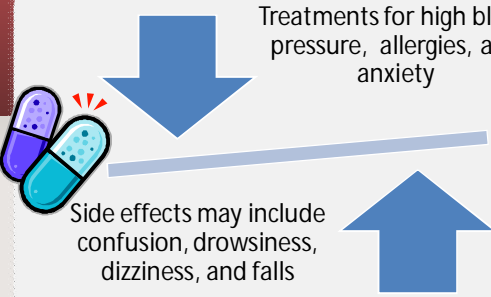
Physical Vulnerabilities



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




Effects of Common Medications



Treatments for high blood pressure, allergies, and anxiety

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



IADLs and ADLs

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

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Functional Limitations

39% of elders have some type of functional limitation

| | |
|---|--|
| 14% experience IADL limitations <i>e.g., shopping, managing money</i> | 25% experience IADL and at least one ADL limitation <i>e.g., bathing, dressing, using the toilet</i> |
|---|--|

Reference population: These data refer to Medicare enrollees age 65 and over. Source: Centers for Medicare and Medicaid Services, Medicare Current Beneficiary Survey. NCSC Center for Elders and the Quality CEC Center for Elders and the Quality

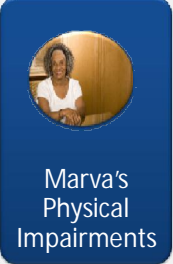
Health Issues for People Age 85+

Prevalence of Chronic Conditions, Disability, and Functional Limitations

| | |
|------------------------------|-----|
| ■ 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. NCSC Center for Elders and the Quality CEC Center for Elders and the Quality

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?





Emotional Vulnerabilities



Issues:

- Depression & anxiety
- Coping with multiple losses

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



Emotional Vulnerabilities


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

Physicians

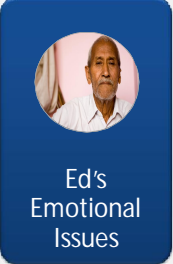
- Don't ask/listen
- Normalize depression

Older Adults

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





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?





Cognitive Vulnerabilities



Cognitive changes may be subtle or obvious

Cognition may vary by time of day

Cognition may vary by circumstance





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 |
|--|--|-------------------------------------|--|

The decline in cognitive abilities must be severe enough to interfere with daily life



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 |
| Alzheimer's Disease | |
| 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 |

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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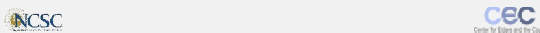
Severe Alzheimer's Disease

VULNERABILITY TO NEGLECT

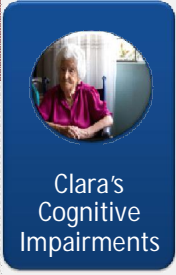
SYMPTOMS ← Communication Mobility Swallowing

Common Issues

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




Interactive Exercise



Clara's Cognitive Impairments

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



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





“...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



Additional Resources

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

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