

Identifying and Responding to

Elder Abuse in North Carolina

What is elder abuse?

Elder abuse is not defined in North Carolina law. It generally includes an intentional act, or a failure to act, by a caregiver or another person in a relationship involving an expectation of trust that causes or creates a risk of harm to an older adult.¹

Who is an older adult?

In North Carolina, some statutes recognize 60 as “older,” while others focus on adults over 65. Some laws, such as those covering adult protective services (APS) and guardianship, apply more generally to all adults but are triggered only if the adult is disabled (APS) or incompetent (guardianship).

Why is it important to address elder abuse?

1 in 10 older adults have experienced elder abuse

It is prevalent and underreported. Approximately 1 in 10 Americans aged 60 and over have experienced some form of elder abuse. As many as 5 million older adults are abused each year.²

16% aged 65 and older

North Carolina’s older adult population is growing. 16 percent of the state’s population in 2017 was aged 65 and older. This percentage is expected to continue increasing. By 2037, 1 in 5 people in North Carolina will be 65 or older. The fastest-growing age group will be those 85 and older.³

300% higher risk of death

There are significant health and economic implications. Victims of elder abuse have a 300 percent higher risk of death when compared to adults who have not been mistreated. Financial losses due to elder abuse are estimated to range anywhere from \$2.9 billion to \$36.5 billion annually.²



Notes

1. Definition from the U.S. Centers for Disease Control and Prevention (CDC).
2. Nat'l Council on Aging (NCOA), *Elder Abuse Facts*, “What Is Elder Abuse?,” NCOA.ORG, <https://www.ncoa.org/public-policy-action/elder-justice/elder-abuse-facts/> (last visited July 5, 2019).
3. N.C. Dept’t of Health & Human Servs., Div. of Aging & Adult Servs., *North Carolina Is Aging!*, https://files.nc.gov/ncdhhs/documents/files/NC%20State%20Aging%20Profile%202017_0.pdf (last visited July 5, 2019).
4. Examples adapted from LORI A. STIEGEL, LEGAL ISSUES RELATED TO ELDER ABUSE: A DESK GUIDE FOR LAW ENFORCEMENT 9–15 (A.B.A. Comm’n on Law & Aging, 2015).

Types and Signs of Abuse⁴

Financial exploitation	<ul style="list-style-type: none"> Changes in banking practices, including unexplained withdrawals of large sums of money Abrupt changes in a will or in other financial documents Unexplained disappearances of funds or property Bills unpaid despite the availability of adequate financial resources Extraordinary interest by family member or “new friend” in older adult’s assets
Caregiver neglect	<ul style="list-style-type: none"> Dehydration Hyperthermia or hypothermia Hazardous or unsafe living conditions/arrangements Inadequate or inappropriate clothing Absence of eyeglasses, hearing aids, dentures, or prostheses Unexpected or unexplained deterioration of health Untreated bed sores Lack of routine medical care and/or medications
Emotional abuse	<ul style="list-style-type: none"> Being emotionally agitated Being extremely withdrawn Depression or suicidal ideation Hypervigilance when in the presence of the abuser
Physical abuse	<ul style="list-style-type: none"> Bruises, welts, burns Broken bones Open wounds Broken eyeglasses Overdose or under-use of prescribed drugs Sudden changes in behavior A caregiver’s refusal to allow visitors to see an older adult alone
Sexual abuse	<ul style="list-style-type: none"> Difficulty walking or sitting Pain or itching in genital area Unexplained venereal disease or genital infections Bruises around the breasts, inner thighs, or genital areas

I suspect elder abuse, what do I do?

In an emergency, call 911.

Is the older adult a disabled adult?

Call the county department of social services (DSS) to make a report.

The primary goal of DSS is to mobilize protective services to protect disabled adults from abuse, neglect, and exploitation. This report may be made anonymously. A “disabled adult” is a person who is (1) 18 years of age or older or a lawfully emancipated minor, (2) present in the state of North Carolina, and (3) physically or mentally incapacitated. G.S. 108A-101(d).

Department of Social Services

Is the older adult the victim of a crime?

Contact law enforcement.

In response to a report, law enforcement personnel are able to conduct an investigation and make referrals to the district attorney for criminal prosecution. Although North Carolina has not established a specific crime called “elder abuse,” several crimes may be implicated if an older adult is abused or exploited.

Is the older adult under guardianship?

File a motion.

Any interested person may file a motion with the court overseeing the guardianship to request that the court consider any matter related to the guardianship. The court has the authority to remove a guardian, including in an emergency, or to enter other orders in the best interest of the older adult under guardianship.

Use Form AOC-E-415, available at nccourts.gov

Is the older adult a resident of a long-term care facility?

Contact the Long-Term Care Ombudsman Program.

The ombudsman advocates on behalf of residents of long-term care facilities, including both nursing homes and adult care homes. The ombudsman will attempt to resolve the problem between the facility and the resident. If the ombudsman is unable to resolve it, the ombudsman may refer the complaint to an appropriate agency for investigation.

Regional Ombudsman