



*Helping Older Persons With  
Legal & Long-Term Care  
Problems*

# ***Elder Abuse and Ohio Adult Protective Services***

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## ***1. What is elder abuse?***

Adult Protective Services (APS), as part of the Ohio Department of Job & Family Services, has the responsibility of investigating reports of suspected abuse, neglect, or exploitation of persons aged 60 and older. The Ohio Revised Code (ORC) defines “abuse” as infliction upon an adult by self or others of injury, unreasonable confinement, intimidation or cruel punishment with resulting physical harm, pain, or mental anguish. “Neglect” is defined as the failure of an adult to provide for self the goods or services necessary to avoid physical harm, mental anguish, or mental illness or the failure of a caretaker to provide such goods or services. “Exploitation” means the unlawful or improper act of a caretaker using an adult or an adult’s resources for their monetary or personal benefit, profit, or gain.

## ***2. Is there a typical victim or typical abuser?***

No. Abusers and elder abuse victims fall within all demographic categories. However, the average abuse victim is aged 75 or older, living with children or relatives, female, and is in poor mental and/or physical health, which leaves them dependent upon their caregivers for food, medication and personal care. Usually, the older person has lived with the caregiver for a long time and the abuse is sometimes preceded by a sudden decline in the older person's health. Often, these victims are isolated from family, friends or community support. Over half of all reports filed are for self-abuse or neglect, and studies suggest that the next largest single source of elder abuse is from the adult’s own family.

## ***3. What are causes of elder abuse?***

Some causes of abuse may include the abuser's inability to cope with stress due to a) divorce or unemployment; b) financial problems, often including the cost of caring for the older person; c) unresolved conflicts between the older person and family; d) the declining health of the older person; e) age-related diseases and medications that may alter an older person's behavior; and f) the demands on personal time when caring for the older person. This stress can lead to the caregiver’s misuse of alcohol and/or drugs, which, in turn can lead to abuse.

#### *4. What can older persons and caregivers do to prevent abuse?*

If you are an older person, there are steps you can take to protect yourself from financial abuse. First, familiarize yourself with your finances. This is especially important if you have not handled your own finances before. Other tips include having your retirement checks deposited directly into your bank account and planning for incapacity through devices such as durable powers of attorney. Be wary of giving things to someone who promises to keep you out of a nursing home, and do not sign any agreement that you do not completely understand. To prevent other forms of abuse, encourage your caregivers to spend more time away from you. Do not rely only on family members for care and emotional support--try to maintain a network of family, friends and community relationships. Your caregivers should make sure they spend at least some of their free time away from you, and should look into respite care (temporary help) if necessary.

#### *5. What is the county's role in providing protective services?*

Each County Department of Job and Family Services (CDJFS) must provide protective services to prevent or stop abuse, neglect and exploitation of adults age 60 and older that are unable to care for or protect themselves. This service requirement does not apply to nursing home residents.

#### *6. When and how should APS be contacted?*

If you have reasonable cause to suspect that an older person is being abused, call or write the County APS office. Additionally, the following categories of professionals are required to report suspected abuse. They include: any attorney, physician, osteopath, podiatrist, chiropractor, dentist, psychologist, any employee of a hospital as defined in section 3701.01 of the Revised Code, any nurse licensed under Chapter 4723 of the Revised Code, any employee of an ambulatory health facility, any employee of a home health agency, any employee of an adult care facility as defined in section 3722.01 of the Revised Code, any employee of a community alternative home as defined in section 3724.01 of the Revised Code, any employee of a nursing home, residential care facility, or home for the aging, as defined in section 3721.01 of the Revised Code, any senior service provider, any peace officer, coroner, clergyman, any employee of a community mental health facility, and any person engaged in social work or counseling having reasonable cause to believe that an adult is being abused, neglected, or exploited, or is in a condition which is the result of abuse, neglect, or exploitation shall immediately report such belief to the county department of job and family services. This section does not apply to employees of any hospital or public hospital as defined in section 5122.01 of the Revised Code. If you file a report in good faith, you are immune from civil or criminal liability. Your employer cannot retaliate against you if you file in good faith a report of suspected abuse.

Your report should include the name, address and approximate age of the adult, the name and address of the adult's caregiver, the nature and extent of the suspected abuse, neglect, or exploitation, and what makes you believe it has occurred.

All reports of suspected abuse, neglect and exploitation must be made to the CDJFS. To report abuse in Hamilton County, call 421-LIFE (513-421-5433), the community 24-hour hotline. You can find the appropriate telephone number to contact APS in your county by going to <http://www.state.oh.us/odjfs/county/cntydir.stm> or by calling 614-466-6282.

### *7. What must APS do after being contacted?*

APS must investigate “emergency” reports within 24 hours and all other reports within three working days. An emergency report is one in which there is a substantial risk of immediate physical harm to an individual or others. The investigator must meet face to face with the abused adult and, when possible, consult with the person who made the report. Written notice of the intent of the investigation must be given to the adult, and a written report, which either confirms or denies the need for protective services must be made.

### *8. What protective services may be available through APS?*

If available, APS services may include, but are not limited to, the provision of casework services, medical care, mental health services, legal services, fiscal management, home health care, homemaker services, housing-related services, guardianship services and placement services. They also may include the provision of food, clothing and shelter.

### *9. What if the adult or someone else denies or obstructs access to the residence of the adult, or otherwise refuses APS services?*

APS can petition Probate Court for a temporary restraining order to prevent interference or obstruction of its investigation by any person, including the abused adult. The court must find (a) that there is reasonable cause to believe the adult is being or has been abused, neglected, or exploited, and (b) that access to the adult's residence has been obstructed.

APS can also petition the court to approve a service plan providing involuntary services. The adult must receive a notice describing his or her rights and the consequences of a court order at least five working days before a hearing on the petition. An indigent adult has the right to a court-appointed attorney. Notice of the hearing must also be sent to the adult's guardian, attorney, caretaker and spouse.

The court must find by clear and convincing evidence that (a) the adult has been abused, neglected, or exploited; (b) the adult is in need of protective services; (c) the adult is incapacitated; and (d) no other person authorized by law is available to give consent. If the court so finds, it must issue an order requiring protective services if they are available locally. The order can last no longer than six months, but can be re-authorized for up to a year at a time.

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Pro Seniors' Legal Hotline for Older Ohioans provides free legal information and advice by toll-free telephone to all residents of Ohio age 60 or older. If you have a concern that cannot be resolved over the phone, then the hotline will try to match you with an attorney who will handle your problem at a fee you can afford.

In southwest Ohio, Pro Seniors' staff attorneys and long-term care ombudsmen handle matters that private attorneys do not, such as nursing facility, adult care facility, home care, Medicare, Medicaid, Social Security, protective services, insurance and landlord/tenant problems.

This pamphlet provides general information and not legal advice. The law is complex and changes frequently. Before you apply this information to a particular situation, call Pro Seniors' free Legal Hotline or consult an attorney in elder law.

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