

Suffering in Silence:

The Intersection Between Financial Exploitation and Domestic Violence

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Types of Abuse

Types of Abuse:

Verbal/Emotional Abuse

Neglect or Self-Neglect

Financial Exploitation

Physical Abuse

Involuntary Seclusion

Sexual Abuse

Wrongful Restraint

Abandonment

Abuse in Later Life

Intimate Partner Violence (IPV):

physical and sexual violence, stalking and psychological aggression (including coercive tactics) by a current/former IP, or family member.

Elder Abuse: any abuse and neglect of persons age 65+, specifically by person in a relationship involving an expectation of trust which can be physical, sexual, psychological or take the form of financial exploitation or neglect.

WHAT IS “DOMESTIC VIOLENCE”?

- Abuse between family or household members (ORS 135.230)
- **Abuse:**
 - Attempting/intentionally/knowingly/recklessly causing physical injury (including strangulation)
 - Intentionally/knowingly/recklessly placing another in fear of imminent serious physical injury
 - Sexual abuse in any degree
- **Family/Household member:**
 - Spouses, former spouses, adults related by blood/marriage, persons cohabiting, persons who have cohabited, unmarried parents of a minor child

SYSTEM RESPONSE
TO DOMESTIC
VIOLENCE
IN LATER LIFE

Domestic violence “grown older”

- Dynamics of power and control
- Coercive Control
- Ongoing abuse (physical, emotional, psychological, sexual, financial)

Other family relationships
that develop abuse

- Can be any type of physical, emotional, psychological, sexual abuse
- High Prevalence of Financial Exploitation

Let This Sink In....

Approximately
94 percent
of domestic
violence survivors
have also
experienced
financial abuse

Prevalence of Abuse in Older Adults

1 in 3 women in Oregon will experience physical or sexual violence or stalking in their lifetime.

Older women who are functionally independent experience IPV at rates comparable to younger women.

Studies have consistently shown that the majority of IPV elder abuse cases involve female victims with spouses as perpetrators.



Poverty Plays a Factor

- Too many older adults live at or below the poverty line. Mostly older women, these older adults rely on social security as their primary source of income.
- 1 in 5 older adults (65+) live in poverty
 - 12% women, 8% men



Vulnerability of AV

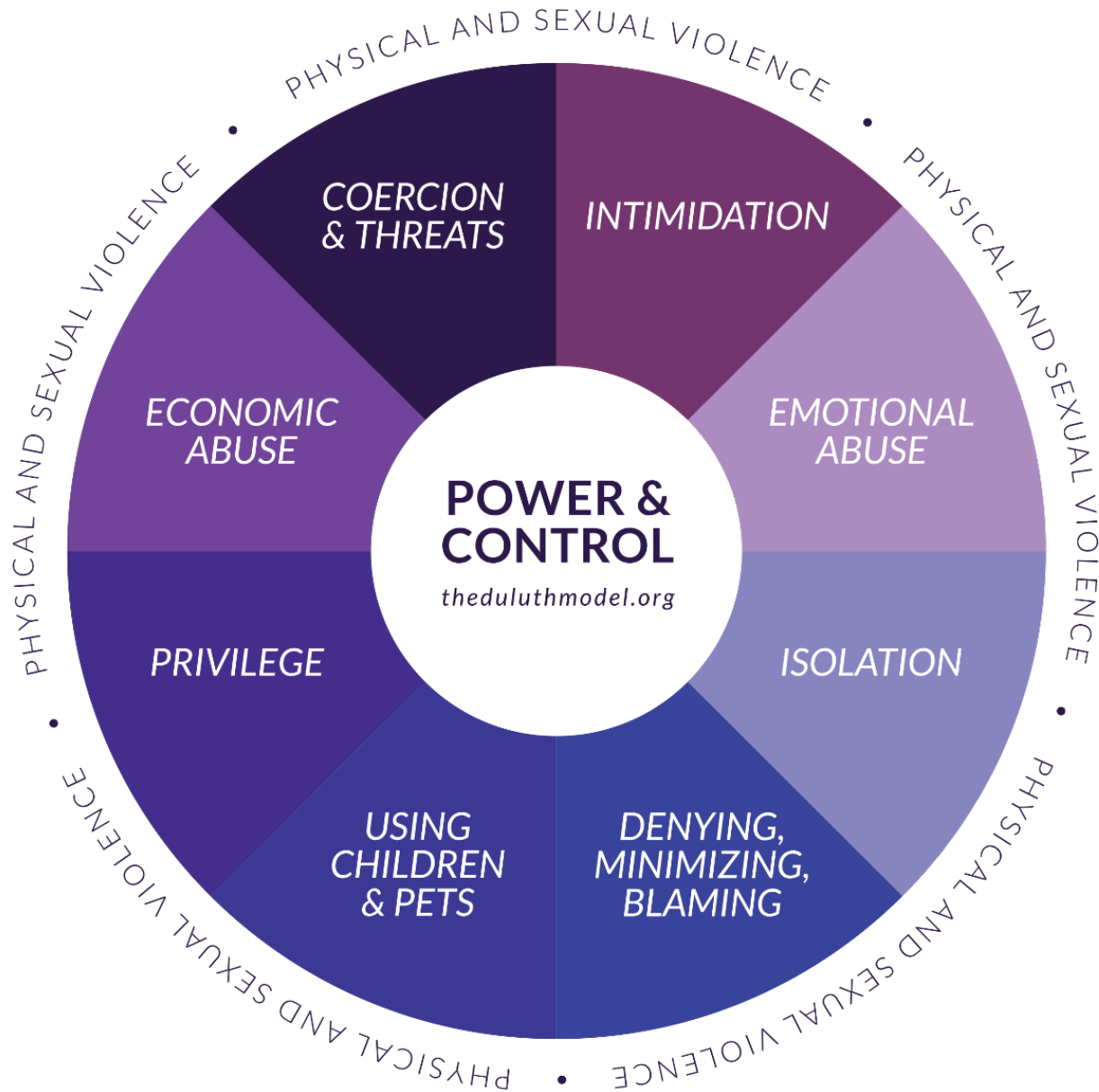
- Cognitive impairment
- Medical problems
- Substance abuse
- Depressed
- Bereaved
- Lonely
- Isolated
- Overly trusting
- Paranoid/fearful

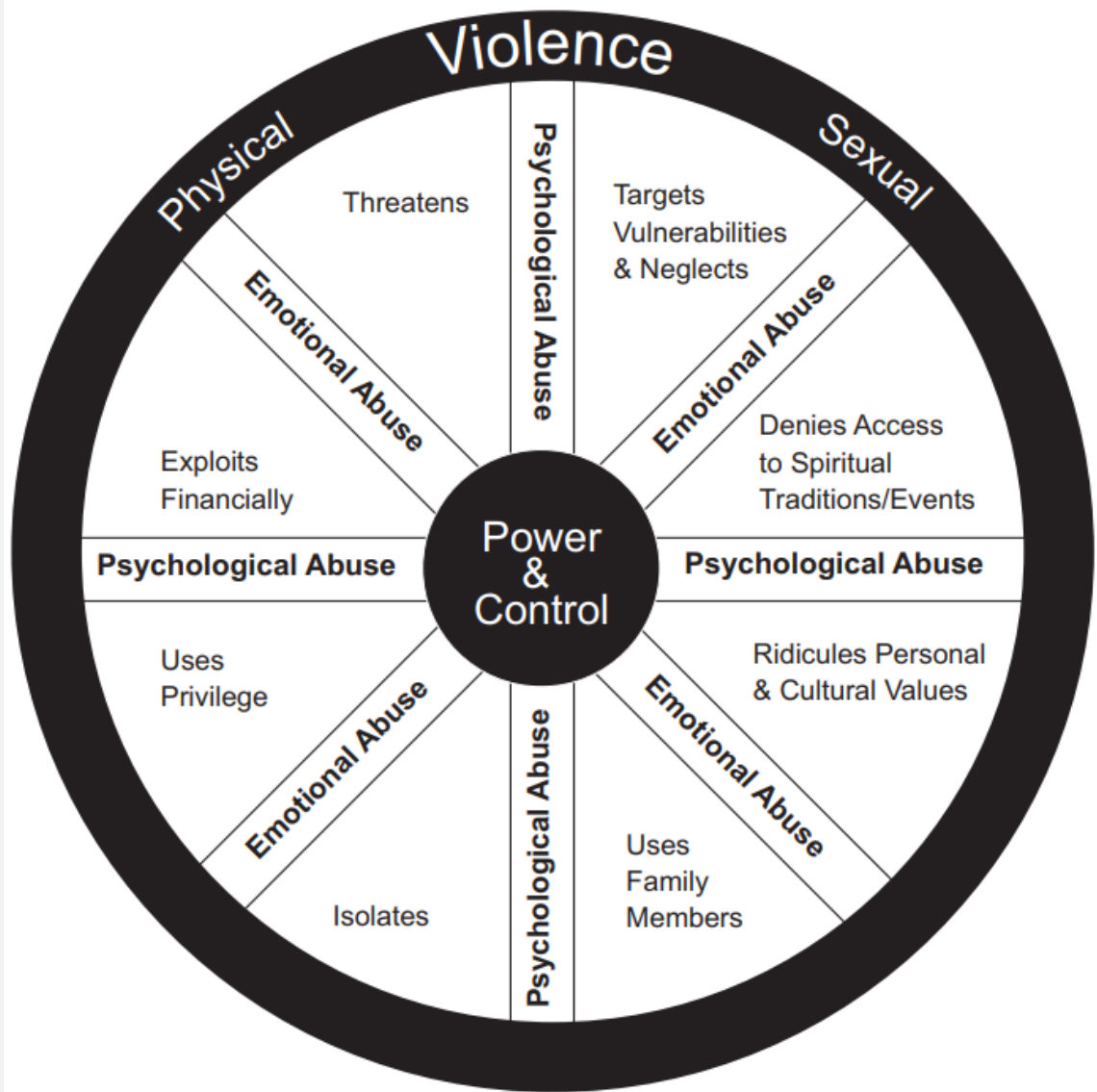


It's An Under- Reported Problem

- May be afraid to tell what happened
- Might not understand what happened
- Might not be able to verbalize what happened
- Ashamed that a family member mistreated them
- Don't think police or social agencies can really help

The Intersection of Abuse in Later Life and Financial Exploitation





**ABUSE IN
LATER LIFE**

**POWER AND
CONTROL
WHEEL**

What is the MOST Important Thing You Can Say to a Survivor?

- I believe you
- This is NOT your fault
- No one deserves to be abused
- You deserve to live without fear
- You are not alone
- You are not responsible for his/her choices
- I am afraid for your safety
- I can guide you toward helpful resources



How IPV and Financial Abuse Intersect

Financial resources can be used as tools to maintain power and control within a relationship and/or act as barriers to living free from an abuser.

More than 40% of older adults who experience financial abuse have prior histories of trauma.

As abusers grow older, they may change their tactics of power and control, turning to economic domination, verbal, psychological and emotional abuse.



Economic Dependence as a Barrier to Seek Help

- **Coercive Control** such as control over finances, is shown to increase among aging abusive partners.
- **Financial exploitation** is NOT only a form of abuse, but also a roadblock to escaping abuse.

COMMON BARRIERS KEEPING SURVIVORS IN ABUSIVE SITUATIONS

Fear of escalation or retaliation

Child custody/safety issues

Prior unsuccessful separation

Financial support – transportation, housing, medical care, etc

Immigration/legal considerations

**COMMON
BARRIERS
KEEPING
SURVIVORS
IN ABUSIVE
SITUATIONS**

**ELDER
ABUSE**

Shame/Embarrassment

Extent of Injury- long term impact,
care needs, transportation, medical
care, medications

Potential cognitive abilities
communicate/ access resources

Fear of consequences to family
members

Isolation- social, mental, disabilities;
Lack of resource accessibility

Barriers to Leaving on IPV Situation

Emotional factors (Fear of loneliness, insecurity over potential independence, guilt, love)

Personal beliefs (violence is their own fault, “marriage is forever”, hope that the abuser will change, cultural or religious reasons)

Social isolation resulting in lack of support, lack of resources

Fear (greater danger if they left, threats of harm, retaliation, the unknown)

Financial dependence (lack of money due to abuser controlling finances, inability to move or find alternative housing)

Older Survivors May Be:

Economically dependent on a spouse or partner (generational context: many of today's older women were not primary breadwinners)

Care-dependent on a spouse (or other family member), and fear of placement in a facility if abuse is reported

Abused by brothers and/or sisters

Adult children and grandchildren are the largest volume of perpetrators who financially exploit older adults

Indicators of Financial Exploitation in IPV Cases

Forged name on legal documents

Misuse of POA

Made arrangements for a reverse mortgage without the victim's input

Asked victim to not tell family members what was going on

Made the victim feel confused and unsure of herself

Similarities to Domestic Violence

- Victim and Perp have an ongoing relationship
- Perp may groom the victim
- Perp isolates the victim and creates dependency
- Perp imposes their will on the victim
- Perp convinces the victim that they are not able to function alone



FAMILY ABUSE PREVENTION ACT (FAPA)

Eligibility for FAPA Order

Age:

- The petitioner must be 18+
- The respondent must be 18+

(If petitioner is under 18, the respondent must be at least 18 and be a spouse/former spouse; or someone with whom there was a sexually intimate relationship)

Relationship:

Requires “family or household member”

- Current/former spouse/registered domestic partner;
- “Cohabiting” in a relationship akin to that of spouses/sexual relationship
- Sexually intimate relationship (within 2 years prior of petition)
- Related by blood, marriage or adoption
- Shared minor child



FAMILY ABUSE PREVENTION ACT (FAPA)

Eligibility for FAPA Order

Qualifying “Abuse”	<ul style="list-style-type: none">→ Physically injured→ Attempt to be physically injured→ Placed in fear of imminent physical injury→ Forced sexual relations with force or threat of force
Time Frame of Abuse:	→ Within the last 180 days (6 months)
Court Finding:	→ That the petitioner or children are in immediate and present danger of further abuse

FAMILY ABUSE PREVENTION ACT (FAPA)

What does a FAPA do?

Length of Protection Order

- Order is valid for two years from the date of entry
- * if the service takes longer, that time is still counted
- Can be renewed, must be done prior to expiration

Conditions of the Order

- Can include a “move out”
- Can specify specific types of contact that are allowed/ not allowed
- Can prohibit respondent from being at specific locations
- Can establish temporary custody, child visitation

FAMILY ABUSE PREVENTION ACT (FAPA)

What does a FAPA do?

Optional Firearm Prohibition Request

→ Petitioner can request that the court order that the respondent not purchase/ possess firearms or ammunition

→ Creates an immediate firearm prohibition

*This becomes a condition of the order, and is only a “contempt of court”

Possible Firearm Implications

→ IF there is an additional finding that the parties are “family or household members” then there can be a firearm prohibition/dispossession ordered

*This does not take effect immediately

ELDERLY PERSONS AND PERSONS WITH DISABILITIES ABUSE PREVENTION ACT (EPPDAPA)

Eligibility for EPPDAPA Order

Age or disability:

- Must be 65 or older OR
- A person with a disability as defined by statute
 - a physical or mental condition that affects a major life activity; or
 - You have had a brain injury resulting in loss of mental/physical function that affects your ability to perform activities of daily living

Relationship:

- No relationship requirement
- *Cannot* file against court-appointed guardian or conservator

Court Finding:

- That the petitioner is in immediate and present danger of further abuse



ELDERLY PERSONS AND PERSONS WITH DISABILITIES ABUSE PREVENTION ACT (EPPDAPA)

Eligibility for EPPDAPA Order

Qualifying “Abuse”	<ul style="list-style-type: none">→ Physical injury (or attempted) that was not accidental→ Conduct that threatens physical or emotional harm→ Caused physical harm by withholding services need for my health and well-being→ Abandoned me by neglecting to perform or stopping duties and obligations and is my caretaker→ Use of insulting or inappropriate names, profanity, ridicule, harassment, threats, intimidation, or inappropriate sexual comments (the conduct threaten significant physical or emotional harm)→ Coercion→ Taking (or threatening to take), or using money or property wrongfully (financial abuse)→ Mailing sweepstakes promotions (where more than \$500 was spent on sweepstakes from the same service)→ Sexual contact, either nonconsensual or if unable to consent
Time Frame of Abuse:	<ul style="list-style-type: none">→ Within the last 180 days (6 months)

ELDERLY PERSONS AND PERSONS WITH DISABILITIES ABUSE PREVENTION ACT (EPPDAPA)

What does an EPPDAPA do?

Length of Protection Order	<ul style="list-style-type: none">→ Order is valid for <u>one year</u> from the date of entry→ * if the service takes longer, that time is still counted→ Can be renewed, must be done prior to expiration
Conditions of the Order	<ul style="list-style-type: none">→ Can include a “move out”→ Can specify specific types of contact that are allowed/ not allowed→ Prohibit the control/ access/ transfer the money or property of petitioner
Possible Firearm Implications	<ul style="list-style-type: none">→ IF there is an additional finding that the parties are “family or household members” then there can be a firearm prohibition/dispossession ordered*This does not take effect immediately*This is often not done in EPPDAPA cases.

PROCESS FOR FAPA/EPPDAPA ORDERS

Ex-Parte hearing

Valid upon service (entered into LEDS/NCIC)

There is not an automatic hearing (30 days to request)

Ability to modify/ renew

PROTECTION ORDERS & FIREARMS

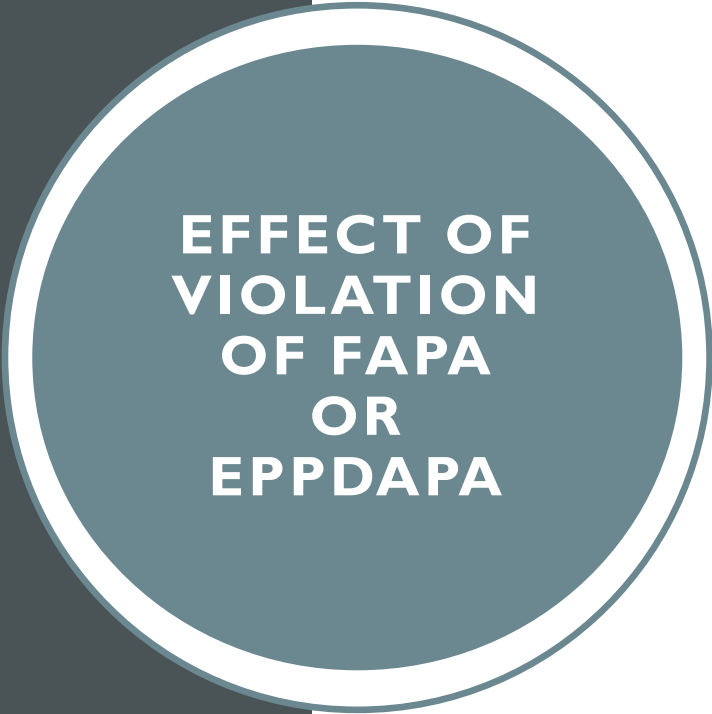

- Subject of a restraining order that:
 - Was issued or continued after a hearing for which the person had actual notice and during the course of which a person had an opportunity to be heard; OR
 - Was issued, continued, or remains in effect by order or operation of law after the person received notice and
 - Requested a hearing but did not attend
 - Requested a hearing and withdrew the request before the hearing occurred
 - Did not request a hearing during the time period in which the opportunity was available

CLASS A MISDO

LETHALITY CONSIDERATIONS

- **70-80% of homicides occur when the victim is leaving or after they have left the abusive relationship**





**EFFECT OF
VIOLATION
OF FAPA
OR
EPPDAPA**

- Mandatory Arrest
- Contempt of Court charge (“quasi criminal”)
- Statute of limitations – 2 years
- Venue
- Bench Trial
- Maximum 6 mo sentence, \$500 fine

MANDATORY ARREST



Incident of Domestic Disturbance

- (ORS 133.055)
- Family or household member
- Physical injury or fear of serious physical injury
- Strangulation

Protective Order Violations

- (ORS 133.310(3),(4), and (5))

Violations of No-Contact Condition of a Release Agreement

- (ORS 133.310(6))

COMMON CRIMES THAT WILL FIT UNDER MANDATORY ARREST

- Assault IV – Misdemeanor
- Assault IV – Felony (witnessed by minor child, victim pregnant, prior conviction with same victim, 3 prior convictions)
- Assault I/ II
- Strangulation
- Menacing
- Coercion
- Violation of protection orders/ no contact orders

ADDITIONAL RISKS OF STRANGULATION

Recognition
of
Strangulation
Occurrence

ASK THE
QUESTION!

Understanding
the Mechanism
of Strangulation
and Risks

Visible
Injuries, but
**MORE
LIKELY:**
Non-
Visible
Signs and
Symptoms

Sufficient
Investigation
and Evidence
Collection

Importance
of Medical
Attention

Access to
SKITS

SKITS:
SKITOREGON.COM

Potential Remedies

Advocates can offer safety planning, INCLUDING financial safety planning

Civil lawyers or legal advocates can assist with wills, POA's, trusts and other probate planning

Education and outreach for understanding elder abuse and IPV; AND how they intersect

Know your local resources!

APS

LEA

DV shelters in your areas (some allow for pets)

Crime Victims Compensation Program

Landlord tenants' rights of IPV victims (right to change locks, break the lease early, not held liable for damage done by abuser)

Other Considerations

VISOR.Oregon.gov

Educate victim about court
process

Oregon State Bar, Legal Aid,
Oregon Law Center

Churches

Safety Planning with the Survivor

Do they know what to do in an emergency and do they have a way to communicate to 911

Involving trusted neighbors/landlords with the safety plan

Educate the victim/survivor about no contact orders, release agreements, and other protective orders

Screen calls

Financial safety (ie making sure financial documents are secured in a secure location, credit freezes, revoking POA's)

Home safety (making sure windows and doors are locked/secured, family or friend involvement, "safe word", keep phone in room with them at all time,

Questions????



Contact Us

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