

DISABILITY & AGING RIGHTS



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ABUSE, NEGLECT AND EXPLOITATION

Responding to Caregiver Abuse, Neglect or Financial Exploitation

If you are an older adult or a person with a disability, you have a right to be free from abuse and neglect and to receive safe and appropriate care from your support workers and caregivers. There are many ways you can protect yourself if your support worker or caregiver is harming you, failing to take care of your needs, or taking advantage of you. For example, you can report the harmful behavior to certain state agencies, which must investigate your report and provide help or services to protect you. This fact sheet will tell you how to report support worker or caregiver abuse, neglect, or financial exploitation; discuss other actions you can take to stop the harmful behavior; and give you tips for guarding against further harm.

What are abuse, neglect, and financial exploitation?

Abuse. Abuse includes physical, mental and sexual abuse. Your support worker or caregiver has abused you if he or she caused you any physical, sexual, or mental harm or injury. Examples of physical and mental abuse include:

- Hitting, kicking, pinching, choking, shoving, pushing, biting, slapping, punching, burning, striking with an object or cutting.
- Using words, signs, gestures or other actions to intimidate you, threaten you, or cause you emotional distress or cause you to act out.

Sexual abuse includes any sexual behavior or intimate physical contact between a support worker or caregiver and the victim. That includes inappropriate sexual contact between the support worker or caregiver and the victim involving the genital area, buttocks or breasts. A support worker or caregiver can also commit sexual abuse if he or she encourages or coerces you or someone else to engage in sexual activity with others.

Neglect. Your support worker or caregiver has neglected you if he or she has failed to provide or has purposely withheld necessities, such as adequate medical and personal care.

Examples include:

- Failing to provide or withholding food, fluids, clothing, shelter or prosthetic devices.
- Failing to carry out services as directed or ordered by a doctor.
- Failing to seek medical attention for injuries.

Financial exploitation. Your support worker or caregiver has financially exploited you if he or she has improperly taken or misused your money, property or other resources to your disadvantage or to the advantage of the support worker or caregiver, facility, agency or others. Examples include:

- Deceiving you into believing the support worker or caregiver is using your money for something you need when the money is being used for another purpose.
- Threatening you so that you give money or sign over property to the support worker or caregiver or another person.

You do not have to be certain that the support worker or caregiver's behavior rises to the level of abuse, neglect or financial exploitation in order to take action. If your caregiver has harmed you or has acted in a way that makes you uncomfortable or makes you believe you will be harmed, you should report the caregiver's behavior.



How to report caregiver abuse, neglect or financial exploitation

If your support worker or caregiver has harmed you, is not taking care of your needs or is taking advantage of you financially, you should contact one of the three hotlines listed below to make a report. The hotline intake worker will listen to your information and concerns, and will determine if the agency is able to help you.

If you do not know which hotline to contact, you should choose one of them to call and report your concerns. The hotline worker will help determine the correct agency to receive the report.

Each hotline has a toll-free number that is available 24 hours a day, seven days a week. When you call, the hotline worker will ask you for:

- Your name, address, telephone number, and age
- The name of the person harming you
- Information about how the person has harmed you
- Information about whether you are in immediate danger. Provide as much detail as possible.

Report to the Illinois Department on Aging

The department's Adult Protective Services unit investigates allegations of abuse, neglect and financial exploitation of people with disabilities or older adults who live in a domestic living situation or while engage in activities in their community. A domestic living situation is either a community-based unlicensed facility or a home where the individual with a disability or older adult lives alone, with family, with a support worker or caregiver, or with others.

You should call the Department on Aging's Adult Protective Services (APS)

Hotline at 1-866-800-1409 if you think you may have been or are being abused, neglected or financially exploited. APS will begin its investigation immediately if you are at risk of immediate harm. It should investigate all other reports within seven days. APS will complete an assessment, which will include visiting you where you live and may include interviews and contact with other people and service agencies. If APS believes you were abused, neglected or financially exploited, it will create a service plan for you. APS will arrange for protective services for you as long as you or your guardian consent to the assessment and services.

Reporting to the Office of the Inspector General

The Office of the Inspector General for the Illinois Department of Human Services (OIG) investigates allegations of abuse, neglect and financial exploitation of people 18 or older who are receiving mental health or intellectual/developmental disabilities services in facilities or programs that are licensed, certified, funded or operated by the Department of Human Services. These may include community integrated living arrangements (CILAs), day programs and state-run mental health or intellectual/developmental disabilities facilities. Many agencies providing services to people with disabilities are licensed, certified, operated or funded by DHS.

You should call the OIG Hotline at 1-800-368-1463 if you think you may have been or are being abused, neglected or financially exploited. OIG will begin its investigation immediately if you are at risk of harm. OIG must take any protective action necessary to make sure you are not in further danger. These actions may include making emergency referrals for services, such as medical and housing referrals.

Upon learning of the report, the facility in which you live is also required to immediately take action to protect you. If the information supports a finding of abuse, the facility should prevent any employees accused of the harmful behavior from having contact with you or others at the facility until OIG's investigation is complete.

Reporting to the Illinois Department of Public Health

The Illinois Department of Public Health (IDPH) investigates allegations of abuse, neglect and financial exploitation of residents in nursing homes or other long-term care facilities, hospitals and state-run intellectual/developmental disabilities facilities.

You should call the IDPH Nursing Home Hotline at 1-800-252-4343 if you are living in a nursing home or other long-term care facility, state-run intellectual/developmental disabilities facility, or receiving care in a hospital, and believe you may have been or are being abused, neglected or financially exploited. IDPH is required to investigate your report within 24 hours if you are at immediate risk of harm. IDPH should investigate all reports alleging abuse or neglect within seven days and all other reports within 30 days. IDPH can arrange for protective services for you to prevent further abuse or neglect, including nursing care, a temporary change in placement, counseling and other social services.



Other ways to take action against a harmful caregiver

Call the police: Call 911 if you fear for your safety or believe you are in danger. You may call your local police department in all other cases to report the harmful behavior. Support worker and caregiver abuse, neglect and financial exploitation are crimes.

Orders of Protection: An Order of Protection is a written order entered by a judge that prohibits someone from abusing, neglecting or exploiting you. You may be entitled to an Order of Protection to protect you from your support worker's or caregiver's harmful behavior.

If your disability or age makes it difficult for you to seek or obtain an Order of Protection, a friend, family member or anyone else can ask for one on your behalf. Please see the EFE fact sheet on Orders of Protection for People with Disabilities for more information.

Ask for help: Tell a friend or someone you trust about what is happening to you and ask for help. He or she may help you report the harmful behavior, work with the facility or agency to replace your support worker or caregiver, move you to a more appropriate place to live, or take other action to stop the harmful behavior.

If you have a guardian or someone else with authority to make decisions for you, tell that person about the harmful behavior and ask for their help. If your decision maker is the one harming you, you should make a report to a state agency and ask the court to remove your decision maker. Contact one of the organizations at the end of this fact sheet if you need assistance.

How to change caregivers

In addition to making a hotline report, you can take other actions to advocate for a different support worker or caregiver.

If your support worker or caregiver is provided through the Department of Rehabilitation Services (DRS), you may contact the DRS Client Assistance Program (CAP) at 1-800-641-3929 (voice and TTY) to report the support worker's or caregiver's harmful behavior and request a change. CAP is responsible for protecting and advocating for your rights and helping to resolve any problems you experience in the program.

If your support worker or caregiver is provided through another state program or a private agency, the program or agency should have a system in place for receiving complaints and protecting its clients.

Here are some helpful tips for contacting a program or agency to request a different support worker or caregiver:

- Call to speak with the director of the program or the person responsible for receiving complaints from service recipients.
- Write down the name, number and title of the person you spoke with and the date you called.
- Provide as much detail as possible when you call to explain what your support worker or caregiver has done and why you want a different support worker or caregiver.
- Consider involving a family member, close friend or someone else you trust to witness your conversation and advocate for you.
- Reach out for help to any support workers, advocates or other staff members involved in your care.
- If you receive no help from the program or agency, contact one of the organizations at the end of this fact sheet.

Please note that a facility, agency or program cannot punish you or take action against you because of your or another's report of abuse, neglect or financial exploitation.

If you have a private caregiver and wish to end your caregiver's employment or involvement in your care, for your protection you should consider having a family member, close friend or someone else you trust be present with you when you take action against your caregiver. You should also consider taking the other actions discussed above to protect you from retaliation by the caregiver.



Tips for guarding against caregiver abuse, neglect and exploitation

Below are additional steps you can take to guard against further abuse, neglect or financial exploitation.

Try to keep in touch with family, friends, or others you trust, and become involved in clubs, agencies, community organizations or other social groups. Being isolated may make you more vulnerable to abuse, neglect and financial exploitation.

Watch out for situations that suggest abuse, neglect or financial exploitation is occurring or is likely to occur. If these situations occur, report them. Some of these situations include:

- A support worker or caregiver makes a joke or inappropriate comment about you or speaks to you in a way that hurts your feelings, even if you believe the support worker or caregiver is not trying to hurt your feelings.
- A support worker or caregiver touches you in a way that makes you feel uncomfortable.
- A support worker or caregiver talks to you about engaging in sexual behavior or sexual contact, or encourages or attempts to persuade you to do so, even if you may be interested in doing so.
- A supported caregiver touches or attempts to touch your genital area, buttocks or breasts, or forces you or attempts to force you to touch his or her genital area, buttocks or breasts, even if you may be interested in doing so.

- A support worker or caregiver does not give you your medications or provide you with medical care, food, clothing or other assistance when you need it.
- A support worker, caregiver or facility places or keeps you in unhealthy, unpleasant or unsafe living conditions.
- A caregiver or facility takes your money, personal property or other resources by intimidating you or persuading you that it is a good idea, even if you agreed.
- A caregiver asks you to sign documents that give the caregiver or someone else your money or other assets, or that give the caregiver or someone else authority to make financial or other decisions for you, even if you signed the documents.

If you are the victim of abuse, neglect or financial exploitation, you have a right to be protected and to take action or ask someone you trust to take action to stop the harmful behavior and receive the support you need. ■

For more information:

Illinois Department on Aging Senior HelpLine:
1-800-252-8966 or **1-888-206-1327** (TTY)

Adult Protective Services (Department on Aging):
1-866-800-1409 or **1-888-206-1327** (TTY)

Office of Inspector General, Department of Human Services:
1-800-368-1463 (Voice/TTY)

Illinois Department of Public Health Nursing Home Hotline:
1-800-252-4343

Illinois Division of Rehabilitation Services, Client Assistance Program (CAP):
1-800-641-3929 (Voice/TTY)

Equip for Equality:
1-800-537-2632 or **1-800-610-2779** (TTY)



Equip for Equality
20 North Michigan Avenue
Suite 300
Chicago, IL 60602

www.equipforequality.org
1-800-537-2632
1-800-610-2779 (TTY)

Illinois Department on Aging
One Natural Resources Way
Suite 100
Springfield, IL 62702-1271

Senior HelpLine:
1-800-252-8966
1-888-206-1327 (TTY)
www.illinois.gov/aging

The Illinois Department on Aging does not discriminate in admission to programs or treatment of employment in programs or activities in compliance with appropriate State and Federal statutes. If you feel like you have been discriminated against, call the Senior HelpLine at 1-800-252-8966, 1-888-206-1327 (TTY).