



### OCAPS Officers

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Consultant and Educator in  
the Field of Aging

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College of Social Work

OCAPS welcomes contribu-  
tions to our newsletter! If you  
are aware of exciting research,  
upcoming events, or promis-  
ing practices drop us a line  
at [newsletter@ocapsohio.org](mailto:newsletter@ocapsohio.org)  
and let us know.

## MESSAGE FROM THE CHAIR

*Carol Dayton, OCAPS Chair & Consultant and Educator in the Field of Aging*

The months and final weeks of state budget negotiations were a strain for advocates from all sides, concluding with funding losses for many, including APS. But, even in these very difficult times there is good news, actually very good news.

OCAPS is the recipient of a grant award from Ohio Attorney General Richard Cordray's Office. We competed for a Recovery Fund/stimulus grant through the Victims of Crime Act (VOCA) and we are among those selected! It is gratifying that our very first application for a federal grant is a success. This reflects great teamwork by the Steering Committee and the Development Subcommittee. This grant allows us to hire a contract person to create information specifically designed for older victims of elder abuse in both web and print forms, and to train APS staff in services designed for crime victims. The grant supports a twenty hour/week position for 15 months. Hiring will begin soon. Watch for the ad, consider applying if you are in the market for a job, tell your friends who have the skills needed to connect with elder victims and develop materials that speak to them. The position description and want ad will be available on the OCAPS website and other places soon.

We are also applying for another grant to provide additional support for our Annual Conference in March 2010. We want to create training videos for new APS staff, and provide grant support to

counties with no training or travel funds for 30 APS staff to attend the conference. We await word on this grant, so wish us well, and know that we will apply to other foundations if needed to meet the mission of educating those who provide services to victims.

This is a very precarious time in Ohio for providing quality services to victims of elder abuse. With seasoned, experienced staff leaving the field due to lay-offs, early retirement, or displacement, mounting APS caseloads are increasingly assigned to burdened child protective services staff. OCAPS wants to know the budget impact on your direct service experience. Dangerous times can also be times of creativity as we do the hard work of protecting older vulnerable Ohioans. Email your ideas to me for how OCAPS can help now. It is when we all pull together in the same direction that we make progress. I am eager to hear from you and learn how the budget cuts are hitting you and your clients.

There is a final piece of very good news for OCAPS. We are now the field placement site for an OSU Master in Social Work student. The first assignment is a project to track the impact of the budget cuts. In new ways, this is becoming an exciting time for OCAPS.

**Carol Dayton**  
**[chair@ocapsohio.org](mailto:chair@ocapsohio.org)**

## Jamaica...Fun, Sun and Big Time Exploitation

*Patty Ciripompa, Fairfield County Dept. of Job & Family Services*

For most people, Jamaica is the place to hear reggae, bask in the sun on white sand or, at the very worst, avoid natives selling “ganja.” To U.S. citizens, the vision of Jamaica usually does not include an image of criminals seated at telephone banks bilking senior citizens out of hundreds of thousands of dollars.

One of the most insidious and under-reported exploitation techniques, the Jamaican telephone scams, target lonely senior citizens who are happy to hear a kind, friendly voice telling them they’ve won a grand prize. The elderly victims who come to the attention of APS are not “self-reporters.” Instead, they are often referred by adult children, a close family friend, or a bank teller when unusually large withdrawals of money are spent with nothing to show for it. As a collateral contact for a Fairfield County APS investigation into one of these scams, a bank teller told the APS investigator that she simply assumed the 79-year-old customer, who had banked there for over 50 years, was replacing her roof when she withdrew over \$9,000 in a two-week period.

The victims of these particular scams rarely contact law enforcement, and usually do not tell their family members about the calls. At first, when the Jamaican con artist “woos and charms” them, they believe they’ve won millions and want to save this as a surprise for their family. As the calls become more frequent, and the caller more demanding, many victims become frightened and embarrassed, not knowing what to do. Both perceived and real threats from these criminals often prevent them from telling anyone.

An Associated Press article published in May 2009 from Kingston, Jamaica, states that “Americans sent more than \$30 million to this Caribbean island last year to claim winnings in a Jamaican lottery. The trouble is there was no such contest.”

The article goes on to report that scam artists are making Jamaica a new center for internationally known lottery schemes, aiding a network of violent gangs that authorities say are putting the money into drug and gun trafficking. According to an Immigrations and Customs Enforcement attaché at the U.S. Embassy in

Kingston, “It’s just an incredible amount of money that’s coming down here.” He also reported that the U.S. and Jamaica are teaming up to create a task force dedicated to breaking up the cross-border schemes.

The Jamaican scams target the U.S. more than any other country and have grown dramatically over the last two years. Police commissioners in Jamaica believe that gangs appear to be seeking new sources of revenue in response to a crackdown on drug trafficking. The gangs purchase phone lists from brokers in the U.S., according to the AP article.

While APS and other entities working on behalf of elders cannot stop these scams, we may be able to help individuals put a stop to being victimized. AT & T, along with other phone companies, offers “Privacy Manager,” a system that will allow access from pre-selected phone numbers only. However, these programs come with a cost. AT&T charges \$6.99 per month for the service, but it may be worth it to present this information as an option to those elderly victims we see.

**OCAPS is a statewide coalition that strives to enhance the provision of services to adults at risk of abuse, neglect and exploitation through education and advocacy.**

## Ethical Delimmas Facing APS

*Sylvia Pla-Raith, Cuyahoga County Dept. of Senior & Adult Services*

The aim of Adult Protective Services (APS), per Ohio Revised Code (ORC) (§5101.60 – 5101.72), is to protect and assist vulnerable adults age 60 and older who may be victims of abuse, neglect, and/or exploitation. APS strives to insure the safety and well-being of elders and adults with disabilities who are in danger of being mistreated or neglected, are unable to take care of themselves or protect themselves from harm, and have no one to assist them.

The guiding principle of APS is that every action taken must balance safety with self-determination. Victims of abuse, neglect or exploitation should be treated with honesty, caring and respect. Autonomy and self-

determination point to the ability of a person to make a free and informed decision without pressure or coercion. Only the individual can delegate his or her own autonomy. It is the experience of determining one's own standards of behavior - "I may decide to take my medications one day and not take them the next. My decisions may change from day to day."

When assessing autonomy of an elder abuse victim, APS must consider the victim's decision-making capacity and the level of danger. This capability involves understanding what is being considered as well as appreciating the consequences of that decision. Ideally, one's decision should not

be made under duress and the person should be able to communicate the decision. Other considerations of decision-making capacity should include consistency, rationality, influencing factors and cultural issues. Medical experts state that decision-making capacity is not an "all or none" phenomenon but rather a dynamic process. For example, influencing factors, such as pain, depression, psychiatric illness or medication effects can change decision-making capability. One important consideration is that physical frailty does not equal mental frailty, so decisional capacity cannot be limited solely on the basis of physical decline. The Summit County Elder Abuse Coalition is holding its

### Visit our website!

**For the latest news, photos and more visit the Ohio Coalition for Adult Protective Services online at:**

**[www.OCAPSOhio.org](http://www.OCAPSOhio.org)**

## Ethical Delimmas cont.

**Q: Should APS screen out the referral based on the reporter's opinion as to whether or not the adult is competent?**

**A:** First let us review the ORC definition for an "Incapacitated person" which states:

*"Incapacitated person" means a person who is impaired for any reason to the extent that the person lacks sufficient understanding or capacity to make and carry out reasonable decisions concerning the person's self or resources, with or without the assistance of a caretaker. Refusal to consent to the provision of services shall not be the sole determinative that the person is incapacitated. 'Reasonable decisions' are decisions made in daily living which facilitate the provision of food, shelter, clothing, and health care necessary for life support."*

The emphasis of the report should be on the allegation(s) and descriptions of the ailments that make it difficult for the elder to protect themselves. In my opinion, it would be premature to exclude a report on the sole basis that the reporter feels the adult subject is competent to make their own decisions. The APS intake professional should ask questions that focus on the allegations, safety issues and assess the level of risk to the adult subject of the report.

I wish I had a dollar for every time I heard one of my colleagues say, "I wouldn't like it if someone from the government knocked on my door and told me how to handle myself."

Let's think about this for a moment. The APS law is intended to protect vulnerable older adults who are not able to protect themselves. If you come to work everyday and manage your own care, (adequate shelter, food and/or medical care), why would you need APS to protect you?

The reality is that elder abuse can occur anywhere and to any older adult! It can affect older adults across all socio-economic groups, cultures and races. Based on available information, women and those of advanced age are more likely to be mistreated. Seniors with dementia, memory loss, mental retardation or mental illness are especially susceptible and may be unable to report it. Isolation from family and friends also contributes greatly to the risk of becoming an elder abuse victim. It is important to realize that a physically and/or mentally vulnerable senior with little or no support may be unable to protect themselves.

The law does not say that if you are a competent adult you are excluded from accessing protective services. Pursuant to Ohio Revised Code §5101.64 - Request or consent to receiving protective services states:

"Any person who requests or consents to receive protective services shall receive such services only after an investigation and determination of a need for protective services, which investigation shall be performed in the same manner as the investigation of a report pursuant to sections 5101.62 and 5101.63 of the Revised Code. If the person withdraws consent, the protective services shall be terminated".

One could effectively argue that excluding competent adults with physical frailties from access to APS services is an infringement of their civil right to live free of abuse, neglect and exploitation. APS should ensure the investigation is offered to the adult and that efforts are made to develop a client driven care plan. If in fact protective services are warranted, give the competent adult the choice to accept or not accept these services.

## Save the Date

*Lorrie Warren, Summit County Probate Court*

The Summit County Elder Abuse Coalition is holding its 12th annual conference on Thursday September 24, 2009 at SUMMA Health System Professional Center South Auditorium, 55 Arch St., Akron, Ohio. "Managing Challenging Change: Staying Resilient & Professional" will feature Robin Rose, a renowned trainer and consultant as the key note presenter. Robin's expertise is in teaching people how to stay calm, professional and effective-especially during high-stress, high pressure situations. Robin helps people be their best when it matters most. The other

featured presenter is Karen Vadino who is a motivational speaker, humorist, trainer and consultant. Karen draws from her extensive and varied experience as a human service professional to form a foundation of her unique and distinctively humorous approach to life and work. Karen has been described as "one of those rare people who can make you laugh and cry in the same moment."

The Elder Abuse Prevention Coalition is a collaboration of more than 30 public and private agencies building a community approach

through identification, intervention and prevention of elder mistreatment through education and advocacy.

"You Hold the Key to the Prevention of Elder Abuse" is the Coalition's motto and "everyone in the community can help in the prevention of elder abuse and neglect by knowing what to watch for and how to report problems".

Those wishing to attend can visit the Conference page of the OCAPS website at: [www.ocapsohio.org](http://www.ocapsohio.org).

## *It's not too late...*

### *to renew your membership!*

There is still time to renew your OCAPS Membership for fiscal year 2009-2010.

It's easy! Go to our website, [www.ocapsohio.org](http://www.ocapsohio.org), print the membership application and mail it along with your membership fee to:

OCAPS  
1335 Dublin Rd. Suite 214A  
Columbus, OH 43215

If you'd like to sign up for one of our sub-committees just check the box. We'd love to have you!

For those of you who are not members, we extend a warm invitation to you as well.