

Montgomery County Elder Abuse Inter-Agency Investigative Guidelines

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Table of Contents

Background.....	1
Acknowledgements	2
Mission Statement.....	3
Agency Roles: General	4
Adult Protective Services Role	5
Client Consideration – Right to Self-Determination	7
Protective Orders: Temporary Restraining Order	8
Routine Protective Orders	9
Emergency Protective Orders.....	10
Long Term Care Ombudsman Role.....	11
Law Enforcement Role	12
Prosecutor Role	17
Victim/Witness Program Role.....	20
State Attorney General and Elder Abuse Role.....	21
Mandated Reporting: Mandated Reporters / Cross Reporting	22
Investigations: Overview	23
Sharing of Information	24
Joint Investigations.....	25
Interviewing Considerations for Elders	26
Protection Orders: Comparison	28

Continued on next page

Table of Contents, Continued

Types of Abuse: Neglect, Self-Neglect, Endangerment	30
Physical Abuse.....	31
Ohio Revised Code Violations Relating to Neglect, Endangerment and Physical Abuse.....	32
Financial Abuse / Exploitation	33
Ohio Revised Code Violations Relating to Financial Abuse / Exploitation.....	34
Sexual Abuse	35
Ohio Revised Code Violations Relating to Sexual Abuse	36
Emotional Abuse / Mental Suffering	37
Ohio Revised Code Violations Relating to Emotional Abuse / Mental Suffering.....	38
Victim Status: Medical Treatment of Victim.....	39
Competency	40
Guardianship.....	41
Emergency Guardianship	43
Conservatorship	44
Resources and Services: General	45
Adult Day Care and Respite	47
Adult Protective Services	48
Domestic Violence and Other Victim Services.....	50
Legal Services.....	52
Specialized Medical and Other Services	53

Elder Abuse Inter-Agency Guidelines Background

Need

In Montgomery County during 2009, Adult Protective Services (APS) and Senior Resource Connection investigated a total of 1,404 referrals:

- Abuse 11%
- Neglect 17%
- Self-neglect 61%
- Exploitation 11%
(primarily financial)

In a 2005 report, the Ohio Elder Abuse Task Force noted: "...state reports reveal just a small portion of the problem. Research indicates that at best one in five elder abuse situations are reported to authorities; for certain forms of abuse, reporting is much lower: as low as one in 14 or one in 25 for physical abuse and financial abuse, respectively. In Ohio during fiscal year 2003, with just 60 percent of the 88 counties submitting incident data, there were 10,346 elder abuse reports to APS."

History

During 2007, the Stable Families Outcome Team of the Family and Children First Council identified elder abuse as an area of interest. Other forms of family violence, i.e., intimate partner violence and child abuse, had been focus areas since the Team's inception in December 2005. There was general agreement that many resources were already being directed to address domestic violence and child abuse, respectively. However, resources and a coordinated response to elder abuse seemed to be lacking.

The Team learned adult protection is mandated by Ohio law for which very limited funds are provided by state government. Specifically, at that time Ohio provided only \$24,000 for Adult Protective Services (APS) in Montgomery County. Despite this lack of financial support to meet APS legal requirements, Montgomery County has seven APS staff; costs are covered through local funding sources.

Local APS acts in a short-term capacity to stabilize a given situation. Their focus is generally clients 60 years of age or older. Legally anyone over 18 years of age may receive services; however, APS simply is not staffed to do so. Cases fall within the following categories:

- Abuse – sexual, physical and mental
- Neglect – by other person not providing appropriate care
- Self-Neglect – most cases are medical and constitute 60% to 70% of APS cases investigated
- Exploitation – unlawful use of resources by another

An expanded committee of community members determined that development of investigative guidelines would potentially improve the coordination of investigative resources and response to elder abuse in Montgomery County.

Acknowledgements

Introduction

These multi-agency guidelines ("Guidelines") are the joint effort of the following public and private organizations in Montgomery County:

- Area Agency on Aging, PSA 2
 - Artemis Center for Alternatives to Domestic Violence
 - Association of Police Chiefs
 - Board of Developmental Disabilities Services
 - Criminal Justice Council
 - Coroner's Office / Regional Crime Laboratory
 - Department of Job & Family Services, Adult Protective Services
 - Family Service Association
 - Long-Term Care Ombudsman
 - National Conference for Community and Justice
 - Office of Family and Children First
 - Probate Court
 - Prosecutor's Office
 - Sheriff's Office
 - Senior Resource Connection
 - Wright State University Boonshoft School of Medicine
 - Wright State University School of Professional Psychology
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Mission Statement

Mission

Create awareness of the need to prevent and intervene in elder abuse, neglect and exploitation in Montgomery County and establish guidelines for response as well as advocate for systems change necessary to address these issues.

Goal

The purpose of the Guidelines is to:

- Establish the primary and secondary agencies which may be involved in the investigation of a suspected crime against an elder,
 - Clarify the roles and responsibilities of these agencies,
 - Establish a standardized approach for “first responders”,
 - Encourage a collaborative process that will reduce the risk factors of abuse through the coordinated response to these cases, and
 - Identify community resources to which elders can be referred for other assistance.
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Agencies agreement

The agencies agree to assist elder adults who are victims of neglect and/or abuse. Investigations shall be conducted in accordance with agency standards and the guidelines as set forth in this document.

Intent of Guidelines

The Guidelines are intended to maximize the safety of the adult victim while pursuing successful criminal investigations and prosecution. They are intended to assist those who encounter victim/witness of elder abuse. Each responding officer or social worker should have a copy of the guidelines established in this document and be familiar with them. In every case involving a victim or witness to abuse, special care should be taken to achieve the goals set forth in these guidelines to ensure fairness to the suspects, and to minimize trauma to the victim or witness.

Agency Roles - General

Mutual response goal

A thoroughly investigated case may result in a successful prosecution thereby ensuring the protection of the elder adult and prevent further abuse by the same perpetrator. The goal of these guidelines is to assist the following organizations in working as a team to ensure the safety and well being of the elderly.

- Law enforcement,
- Adult Protective Services,
- Long-Term Care Ombudsman,
- Prosecutor's Office, and
- Other involved agencies.

Grievance procedures – conflicts between participating agencies

Recognizing that interagency operations sometimes results in misunderstandings and disagreement, this document institutes a method to mitigate and resolve disputes between cooperating agencies while maintaining the best interests of victims of elder abuse.

Each department handles complaints about personnel internally. Grievances, problems, or conflict resolution for on-going investigations should be directed to the agency or person (or his/her supervisor) identified as the perceived problem.

Every effort should be made to resolve any grievances informally. If the grievance cannot be solved informally, the grievance should be handled at the management level appropriate for the type of grievance.

Adult Protective Services Role

Investigation jurisdiction, ORC §5101.62

The county Department of Job & Family Services is designated by Ohio Revised Code (ORC) Section 5101.62 to investigate, independently and jointly with law enforcement, reports of alleged elder (60 years and older) abuse which may have occurred in any location other than in a long-term care facility. Adult Protective Services (APS) may investigate cases in long-term care facilities only when the perpetrator resides outside the facility. Other locations that APS may initiate investigations include but are not limited to:

- Private Home,
- Hotel,
- Assisted Living,
- Acute care hospital,
- Health clinic,
- Adult day care facility,
- Group home,
- Foster care home.

The department has also designated the Senior Resource Connection to perform these duties as well.

Exceptions to the minimum age of 60 years can be made depending upon the severity of circumstances. Such determination is made by the APS Supervisor.

Investigation process, ORC §5101.62

Investigations are conducted by APS to determine the extent of services needed and to determine if there is a reasonable possibility that a criminal act might have occurred. According to the Revised Code, emergency investigations must be initiated within 24 hours and routine investigations must be initiated within 3 working days.

If a caseworker determines, during or after an initial investigation, there is a reasonable possibility that a crime has occurred, law enforcement should be called, and the caseworker will immediately cease investigating the possible criminal activity.

Caseworkers will verify that a cross report to the appropriate law enforcement agency was made, and the caseworker will continue to investigate and act upon all other non-criminal aspects of the reported abuse.

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Adult Protective Services Role, Continued

**Cross Reporting
ORC §5101.611**

If the intake worker or caseworker knows or has reasonable cause to believe that the subject of a report or of an investigation has a developmental disability, a referral shall be made to the Montgomery County Board of Developmental Disabilities Services (MCBDDS). The APS worker will only close the case if and when MCBDDS enrolls the client. This will ensure a continuity of services for the client.

If either an APS intake worker or a caseworker determines that abuse, neglect or exploitation has occurred in a long-term care facility, the worker will advise the reporting source to contact the Long Term Care Ombudsman's Office. The worker will also follow up with the Ombudsman's Office by also reporting the incident to the Ombudsman.

Investigative steps

The following table outlines the investigative steps a caseworker generally takes when determining if a reported case of abuse is founded or unfounded.

Step	Action
1.	Adult Protective Services (APS) caseworker reviews initial report(s).
2.	If necessary, additional information is obtained by the APS caseworker from the reporting source or others.
3.	Initial unannounced home visit occurs.
4.	Initial visit coordinated with law-enforcement or other agencies as needed.
5.	In-person interview, assessment, and evaluation with client to determine imminent danger, competency and preliminary assessment of victim's physical, mental and social condition.
6.	Documents collected and photographs taken as needed for case documentation and support.
7.	With client consent, interview in-person or otherwise relatives, friends or other agencies that may have information pertinent to the investigation.
8.	Determination made regarding risk to the client, client's willingness to accept assistance and the need for case management.
9.	Cases involving suspected criminal activity are cross-reported to law enforcement.
10.	Documentation completed and forwarded to supervisor.
11.	Case management services provided as deemed necessary and specified in the Service Plan. Note: APS cannot provide case management to a client who refuses services.

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Adult Protective Services Role, Continued

Client's right to self-determination

APS is guided by the concepts of achieving and ensuring a client's freedom, safety, least disruption of lifestyle and the least restrictive care alternative. To ensure the client's right to self-determination, the APS caseworker is guided by three distinct but related principals. They are:

Freedom over safety – Clients have the right to choose to live at risk of harm, providing they are capable of making that choice, harm no one in doing so, and commit no crime. This means that when interests compete, freedom is more important than safety, and clients have the right to refuse services.

Self-determination – Clients have the right to personal choices and decisions, until such time as they delegate, or the courts grant, the responsibility to someone else.

Participation in decision-making –clients have the right to receive information to make informed decisions and, to the extent that they are able to do so, to participate in all decision-making which affects their circumstances.

This does not mean a criminal act goes uninvestigated. Any possible criminal activity will be investigated thoroughly. The right to self-determination does not relieve any agency of the obligation to complete a cross-report on any reported incident of abuse.

When services are provided

APS services are provided 24 hours a day, seven days a week for immediate response to emergency reports. An emergency as defined by Revised Code means that the adult is living in conditions which present a substantial risk of immediate and irreparable physical harm or death to self or any other person.

Provision of services

Adult Protective Services (APS) will be offered to any adult 60 years of age or older to:

- prevent, reduce, or remedy conditions causing endangerment to the client through the provision of necessary and appropriate services;
- maximize the client's independence and self-direction; and
- prevent unnecessary institutionalization and enable clients to remain in their homes and communities as long as possible.

This includes victims of criminal abuse. If other agencies, including law enforcement, are involved, service delivery will be coordinated to ensure a cooperative effort with no duplication of services.

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Adult Protective Services Role, Continued

Other services Clients have access to a number of services that are provided by the department itself and other social service agencies. Based upon availability services could be:

- Counseling
- Financial management
- Guardianship services
- Home health care and personal services
- Homemaker services
- Chore services
- Housing-related and relocation services
- Legal services
- Medical care
- Mental Health services
- Nutrition services, including congregate meals and meals-on-wheels
- Provision of food, clothing and/or shelter in both emergency and non-emergency situations
- Supportive services such as outreach, visitation and transportation

Temporary Restraining Orders, ORC §5101.63

If, during the course of an investigation conducted under section 5101.62 of the Revised Code, any person, including the adult who is the subject of the investigation, denies or obstructs access to the residence of the adult, the Adult Protective Services may file a petition in court for a temporary restraining order to prevent the interference or obstruction. The court shall issue a temporary restraining order to prevent the interference or obstruction if it finds there is reasonable cause to believe that the adult is being or has been abused, neglected, or exploited and access to the person's residence has been denied or obstructed. Such a finding is prima-facie evidence that immediate and irreparable injury, loss, or damage will result, so that notice is not required. Law enforcement typically serves the order. After obtaining an order restraining the obstruction of or interference with the access of the protective services representative, the representative may be accompanied to the residence by a peace officer.

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Adult Protective Services Role, Continued

**Routine
Protective
Orders,
ORC §5101.65-
5101.67**

If the Adult Protective Services department determines that an adult is in need of protective services and is an incapacitated person, the department may petition the Probate Court for an order authorizing the provision of protective services. The petition shall state the specific facts alleging the abuse, neglect, or exploitation and shall include proposed protective services plan.

Notice of a petition for the provision of court-ordered protective services shall be personally served upon the adult who is the subject of the petition at least five working days prior to the date set for the hearing. The notice shall include the names of all petitioners, the basis of the belief that protective services are needed, the rights of the adult in the court proceedings, and consequences of a court order for protective services. The adult shall be informed of his right to counsel and his right to appointed counsel if he is indigent and if appointed counsel is requested.

The court shall hold a hearing on the petition within fourteen (14) days after its filing. The adult shall have the right to be present at the hearing, present evidence, and examine and cross-examine witnesses. The adult shall be represented by counsel unless the right is knowingly waived. If the adult is indigent, the court shall appoint counsel to represent him.

If the court finds, on the basis of clear and convincing evidence, that the adult has been abused, neglected, or exploited, is in need of protective services, and is incapacitated, and no person authorized by law or by court order is available to give consent, it shall issue an order requiring the provision of protective services only if they are available locally.

The court shall not order a person to a hospital.

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Adult Protective Services Role, Continued

Emergency Protective Order, ORC §5101.69

Adult Protective Services may petition Probate Court for the provision of protective services on an emergency basis. The petition for any emergency order shall include: the name, age, and address of the adult in need of protective services; the nature of the emergency; the proposed protective services; the petitioner's reasonable belief, together with facts supportive thereof, that the adult has been abused, neglected, or exploited, is incapacitated, and no person authorized by law or by court order is available to give consent it shall issue an order requiring the provision of protective services only if they are available locally; facts showing the petitioner's attempts to obtain the adult's consent to the protective services; facts establishing immediate and irreparable physical harm to the adult or others will result from the twenty-four hour delay; and reasonable attempts have been made to notify the adult, his spouse, or if he has none, his adult children or next kin, if any and his guardian.

Upon receipt of a petition, the court shall hold a hearing no sooner than twenty-four and no later than seventy-two hours after the notice to the adult has been given. The adult who is the subject of the petition shall have the right to be present at the hearing, present evidence, and examine and cross-examine witnesses.

The court shall issue an order authorizing the provision of protective services on an emergency basis if it finds, on the basis of clear and convincing evidence, that:

The adult is an incapacitated person; an emergency exists; and no person authorized by law or court order to give consent for the adult is available or willing to consent to emergency services.

In issuing an emergency order, the court shall adhere to the following limitations:

- The court shall order only such protective services as are necessary and available locally to remove the conditions creating the emergency, and the court shall specifically designate those protective services the adult shall receive; the court shall not order any change of residence unless it specifically finds that a change of residence is necessary;
- The court may order emergency services only for fourteen days; in its order the court shall authorize the director of the department or his designee to give consent for the services until the expiration of the order; the court shall not order a person to a hospital.

If the department determines that the adult continues to need protective services after the order has expired, that department may petition the court for a routine order to continue protective services.

Long-Term Care Ombudsman Role

Authorization, ORC §173.16

The Long-Term Care Ombudsman serving Montgomery County is authorized by the Federal Older Americans Act (Title I, III, IV, V, VII) and the Ohio Revised Code to be advocates for the rights of residents of nursing homes, residential care facilities (commonly known as an assisted living), adult care facilities and home care recipients ages 60 and older.

The Long-Term Care Ombudsman Program includes both state-certified Ombudsman Specialist employees and state-certified Ombudsman Associate volunteers. The services provided by the Ombudsman are free and confidential and Ombudsman work directly with the resident, home-care recipient and in some cases with the legal representative to resolve problems with the goal of improving their quality of life and care.

Any person may contact the Long-Term Care Ombudsman to make a report or seek information, however the Long-Term Care Ombudsman may only advocate for residents of a qualified long-term care facility or individuals receiving home care services ages 60 and older. Following the Ohio Revised code the Long-Term Care Ombudsman acts with the direction and permission of the long-term care resident or home care recipient.

Areas of responsibility ORC §173.18- 173.19

The Long-Term Care Ombudsman will investigate reports of concerns of long-term care:

- Abuse, Neglect and Exploitation
- Access to Information
- Admission, Transfer and Discharge
- Exercise of Rights, Choice, Dignity and Privacy
- Property and Finance
- Quality and Provision of Care
- Rehabilitation Services
- Restraints both Physical and Chemical
- Activities and Social Services
- Environment and Safety
- Policies and Procedures
- Staffing
- Medicare and Medicaid
- Other Concerns Affecting a Resident or Home Care Recipient

The Long-Term Care Ombudsman will investigate reports of any complaint pertaining to the delivery of existing home care services, including the quality and provision of care, the capacity of agency to provide the required care, performance of caregivers, behavior of caregivers, quality of care provided and timeliness of care as it affects home care recipients ages 60 and older.

In addition to investigating complaints, the Long-Term Care Ombudsman Program also provides:

- Long-Term Care Selection Assistance
 - Residents' Right Information
 - Medicare and Medicaid Information
 - Ohio Department of Health Survey Information
 - Ohio Rules and Laws governing long-term care facilities
 - Referrals to Other Agencies
 - Other Assistance involving a Resident or Home Care Recipient
-

Law Enforcement Role

General responsibilities

A law enforcement officer responding to a report of elder abuse should:

- Conduct a thorough preliminary investigation, and
 - Prepare a report regarding his or her findings.
 - **Officers should not inform victims of alleged elder abuse the case is a civil matter.**
 - Officers should instead, take a report, cross-report the case to Montgomery County Adult Protective Services (APS) and refer the crime report to the Adult Protection Unit of the Montgomery County Prosecutor's Office.
-

Cross reporting

The officer is required to cross report the alleged abuse to Montgomery County APS Intake Unit or the Long-Term Care Ombudsman, as appropriate. If it is determined that no crime occurred but the investigating officer believes the person may be in danger and/or in need of assistance, APS should be contacted.

Note: Responding officers are required to immediately, or as soon as practical, cross report all cases to APS. **In emergency cases, cross reporting is required prior to the officer concluding his/her tour of duty.**

Preliminary investigation

The following investigative techniques should be considered by law enforcement personnel when conducting the preliminary inquiry into allegations of elder abuse.

Step	Action
1.	Interview the victim and any witnesses separately and privately. Interviews should include neighbors and the person who made the initial call.
2.	Where necessary, tape record victim and witness statements. If practical, videotape victim's interview.
3.	Obtain statements regarding prior acts of violence or neglect, from both the victim and suspect.
4.	Determine the suspect's relationship to the victim (i.e. relative, caregiver, or stranger).
5.	Determine activities of the suspect and the victim at the time of the incident. Document any apparent drug or alcohol use/intoxication of the victim, suspect, or witnesses.
6.	Document physical and mental condition and demeanor of victim, suspect, and witnesses.
7.	Determine victim's age and health condition (i.e. nutrition, personal hygiene, ability to walk or move about, mental ability, etc.).
8.	Note condition of victim's and suspect's clothing. Document torn or damaged clothing. Document property damage that may be connected with the incident.

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Law Enforcement Role, Continued

Preliminary Investigation (continued)

9.	Document and diagram or photograph visible injury and/or complaints of pain for both victim and suspect. Document absence of any visible injury or complaints, if applicable.
10.	Document evidence of neglect.
11.	Document the condition of the home or environment (i.e. cleanliness, food supply, lack of required medical care, presence of fire hazards, soiled conditions, insect/rodent infestation, available utilities, etc.).
12.	Provide victim with appropriate referrals. If necessary, call the 24-hour APS telephone number and request APS assistance.

Protection orders

If the victim has a **temporary** or **civil protection order** against the suspect and he or she has not yet been served with a copy of that order:

- Review the victim's copy, and
 - Inform the suspect of the terms of the order,
 - Document this advisement in the police report,
 - If the victim has an extra copy of the order, the suspect should be served with the copy, and
 - A proof of service completed and filed with the court.
 - This should also be documented in the police report.
-

Financial abuse suspected

If financial abuse/exploitation is suspected, attempt to obtain:

- A waiver and consent from the victim or his/her guardian for bank and financial records,
 - A handwriting exemplar from the victim and suspect, if possible,
 - Any documents pertaining to Power of Attorney or conservatorship.
-

Additional documentation

Other useful documents in investigating financial abuse would include:

- Bank name, address and bank account numbers,
 - Monthly bank statements and cancelled checks,
 - Utility bills,
 - Health records, medications or prescriptions,
 - Deeds to property,
 - Titles to vehicles,
 - Insurance documents,
 - Wills, trust documents,
 - Credit card statements and other relevant financial records.
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Law Enforcement Role, Continued

Bail enhancements

In all instances where any type of abuse is suspected, sufficient bail enhancements should be requested to insure the suspects' appearance at trial. A Montgomery County Jail Supplemental Booking Slip must be filled out to accomplish this.

Custody procedures

If a suspect is taken into custody:

- Document any spontaneous statements;
 - Prevent communication between the suspect and the victim and witnesses; and
 - Record or document alibi statements in the criminal report.
-

Evidence

The following evidence collection procedures are recommended when investigating a report of elder abuse:

Step	Action
1.	Document condition of crime scene.
2.	Photograph victim (to show demeanor, frailness, height, and weight).
3.	Identify weapons/firearms.
4.	Have victims and suspect's injuries photographed.
5.	Properly photograph and seize all weapons and evidence.
6.	When necessary, videotape crime scene and condition of victim.
7.	Obtain any financial documents, which may relate to suspected financial abuse or exploitation.
8.	Obtain a search warrant, if required.
9.	Contact the Montgomery County Prosecutor's Office Adult Protection Unit for assistance if needed.

Medical treatment

The following steps should be taken when medical treatment for an abused elder is required:

Step	Action
1.	Document complaints of pain, other health conditions, and visible injuries.
2.	Obtain names, addresses, and telephone numbers of ambulance or paramedic personnel who respond to assist the victim.
3.	Obtain name and address of treating physician and/or hospital where victim has been transported.
4.	Obtain the name and address of the victim's family physician.
5.	Obtain a medical release form from the victim or his/her guardian.

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Law Enforcement Role, Continued

Completing the Crime / Incident Report

The following should be considered when completing the **Crime/Incident Report**:

- Maintain objectivity in reporting:
 - Avoid personal opinions,
 - Document facts, observations, and statements of victim, suspect, and witnesses.
 - Confirm that the police report satisfies the elements of the crime,
 - Document injuries/physical complaints,
 - Document if photographs have been taken, and if interviews have been audio and/or videotaped,
 - Provide the victim with service referrals such as domestic violence assistance, food banks, and information and referral services
 - Document past violence in as much detail as possible, include:
 - Date,
 - Offense,
 - Suspect,
 - Witnesses, and
 - Any other evidence.
 - Cross-report to APS or the Long-Term Care Ombudsman, as required.
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Requirement to cross report / provide referrals

Law enforcement may receive calls of elder abuse that may not appear criminal, such as self-neglect. Regardless of whether the abuse appears criminal or not, ***it must be cross reported*** by completing an information report or memorandum and submitting it to APS or the Long-Term Care Ombudsman, as specified.

Obligation to investigate

Law enforcement has an obligation to investigate suspected criminal conduct. The decision to file and prosecute criminal charges is made by the Prosecutor's Office. Officers should not inform victims of elder abuse that:

- It is their decision to "press" or "drop" charges.
- The case is a civil matter.

Officers should (where appropriate):

- Take a report,
 - Cross report the case to APS and
 - Refer the crime report to the Adult Protection Unit of the Montgomery County Prosecutor's Office.
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Law Enforcement Role, Continued

Welfare checks – emergency and routine – When a Social Worker or other person has reason to believe an elder is in danger and their welfare needs to be checked, the Social Worker should contact the local law enforcement agency for assistance.

Criteria for welfare checks may include:

- Client refuses service and a suspicion of abuse exists,
 - Inability to contact a client and there is a suspicion of abuse and/or injury.
 - Knowledge or suspicion of mental incapacity, etc.
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Prosecutor Role

County Prosecutor's Office – Adult Protection Unit

The Adult Protection Unit's primary responsibility is the prosecution of crimes involving our community's more vulnerable citizens. This program was developed in 2008 to combine resources to address the specialized needs of the elderly while continuing to protect victims of family violence. The Unit identifies those individuals who prey on senior and adult citizens and prosecutes these perpetrators. Apprehension and successful prosecution of those criminals is instrumental in helping to develop a more secure environment for senior members of our community.

The Unit also includes a community education component. By educating the community (especially our seniors and those who provide services to them) on crime prevention techniques and by getting citizens involved in crime prevention activities, we can reduce the number of crimes in Montgomery County and increase the quality of life for its citizens.

Adult Protection Unit – Standards

Successful intervention by the criminal justice system, with or without victim participation, is the most effective way to stop the victimization of the elderly and to hold the offender accountable.

The Adult Protection Unit Prosecutor will:

- Establish working relationships with law enforcement and social agencies,
 - Develop training and informational presentations for those who have contact with the elderly,
 - Develop crime prevention presentations given directly to the elderly population,
 - Create effective prosecution strategies to prosecute when a victim is unwilling/unable to testify,
 - Provide assistance to elderly victims navigating through the criminal justice system.
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Elder abuse training material

The Adult Protection Unit has developed curriculums for training presentations to:

- Police agencies,
- Fire agencies,
- Elderly community members,
- APS, Social Agencies
- Medical professionals,
- Church and community members and any other interested groups.

The Adult Protection Unit has developed materials that are handed out to the community groups upon request.

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Prosecutor Role, Continued

Adult Protection Unit role in MDT

County Prosecuting Attorneys assigned to the Adult Protection Unit shall attend and participate in Multi-Disciplinary Team (MDT) meetings. The Adult Protection Unit will :

- Provide suggestions and advice on getting the police involved and submitting reports to the Montgomery County Prosecutor's Office,
 - Assist team members in identifying those cases that should properly be submitted for review and others that are more likely civil matters.
 - Be available for consultation with team members,
 - Contact team members for consultation on cases prosecuted by the Adult Protection Unit.
-

Case referral and prosecution

The Montgomery County Prosecutor's Office handles reports of elder adult abuse as follows:

- The majority of cases result from the arrest of an alleged offender by law enforcement.
 - In other cases, the County Prosecutor's Office reviews police reports regarding elder abuse cases where a perpetrator has committed an alleged crime against an elderly community member.
 - The Prosecuting Attorney will review the reports and determine if the case meets the standards for filing and if it is ready for filing.
 - The case may be referred back to the agency that generated the reports for follow-up that may include additional witness interviews, bank or medical records, APS records or interviews.
 - The Adult Protection Unit attorney is available to meet with the police agency and APS to review pending investigations or reports.
-

Prosecution considerations

The Adult Protection Unit Prosecutor shall take steps to ensure that the offender does not use the court system as another means of continuing to victimize the elder adult. The County Prosecutor will:

- Advise the victim that the Prosecutor is responsible for charging and prosecuting the case.
 - Tell the victim that they are a witness and will be called to testify against the defendant.
Being truthful with the victim from the onset of the process will help to develop trust.
 - Encourage the victim to remain in contact with the Prosecutor's Office Victim/Witness representative.
 - Advise the victim to contact the Prosecutor with any details of any additional crimes or ongoing harassment related to the crime.
 - Inform the victim of their rights as a victim of crime.
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Prosecutor Role, Continued

Prosecutor checklist

The following information should be reviewed in order to facilitate the prosecution of elder victim cases. The following steps may in the prosecution of these cases and help the assigned attorney develop a rapport with the victim.

- Charging consideration:
 - Charge the defendant accordingly based on the facts. However, realize that many times the defendant is a family member or close friend. By speaking with the victim prior to Grand Jury you will be able to determine their level of interest.
 - Subpoenas:
 - All victims and important witnesses should be subpoenaed to appear at trial.
 - This will reduce their risk of being successfully discouraged to testify since the State of Ohio has legally required them to appear.
 - Plea Negotiations:
 - It is the policy of the Montgomery County Prosecutor's Office not to dismiss an indictment once it is filed.
 - The Prosecutor must consult with the victim prior to making an offer or entering into plea negotiations with defense counsel.
 - No case will be dismissed upon the request of the victim. A reasonable effort will be made to determine if the victim's request is based on threats or intimidation.
 - In cases where the victim refuses to cooperate or has died, the prosecutor will determine if the state can proceed without the victim.
 - Continuances:
 - The Prosecutor should proceed to trial as quickly as the court's docket permits.
 - Defense continuances should be opposed when unsupported by motion or permissible reasons.
 - Sentencing:
 - Consultation with the victim must occur prior to sentencing.
 - Notice shall be given to the victim so that their wishes are known to the court prior to sentencing.
 - The victim must have the opportunity to make a victim impact statement.
 - The Prosecutor must determine if restitution and/or no contact orders are necessary prior to sentencing.
-

Victim/Witness Program Role

Program description

The Montgomery County Prosecutor's Office has a Victim/Witness Division which interacts with victims. The Victim / Witness Division provides 24-hour crisis intervention, support and informational services to those affected by crime. The goal of the Division is to help victims and witnesses understand their rights and responsibilities so that they can make intelligent choices about what is best for them. The Victim Advocates are dedicated to providing emotional support, advocacy and assistance following a crime. Reconstruction of a meaningful and functional life can be facilitated by such intervention.

Services offered

The Montgomery County Prosecutor's Office Victim Program provides services, such as:

- Crisis-Intervention & Supportive Services – When victimization occurs, it is not uncommon to have difficulty handling stress and new information. Advocates work with victims to address these issues.
 - Explanation of the Criminal Justice Process – Advocates can address and answer questions or direct victims to those who can.
 - Advocacy & Assistance During Court Proceedings – Victims have the right to have an advocate present with them during court appearances.
 - Assistance with Notification Process – Advocates can provide details of case developments and court proceedings.
 - Assistance with Crime Victim Compensation – The Victim/Witness Division has application forms and information about this program. Advocates can assist victims with the preparation and filing of the application.
 - Assistance with Post-Conviction Issues – Advocates can provide an explanation of the parole consideration process, help victims and survivors provide input to the Parole Board and accompany victims and survivors to hearings.
-

Additional Programs

The Violence Prevention Project was started in 1990 as a way to offer information about alternatives to violence as a means to solving problems. The close connection between violence and the use of illegal drugs soon led to a discussion about alternatives to drugs as well as violent behavior. The education programs and this program have been used to encourage members of our community, particularly our youth, to promote positive behavior.

Community Volunteers serve as telephone and/or hospital crisis responders. Telephone volunteers handle calls (through a call diverting process) that come in over the 24-hour crisis line while hospital volunteers respond to any of the hospitals in Montgomery County (i.e., MVH, Miami Valley South, Good Samaritan, Grandview, Sycamore, Southview, Kettering Medical Center, Children's Medical Center).

State Attorney General and Elder Abuse Role

Home Rule

Due to home rule in the State of Ohio, the State Attorney General's office only gets involved in an Adult Protective Services case if the county prosecutor asks for assistance on a case. However, the State Attorney General's Office has some resources available for older victims.

Resources Available

The following are available for older victims through Ohio's State Attorney General's Office:

- Crime victim compensation;
 - Information on frauds, scams, elder abuse; and
 - Investigations for patient abuse and neglect.
-

Mandated Reporting: Mandated Reporters & Cross Reporting

**Mandated Reporters
ORC §5101.61**

Ohio's Adult Protective Services Law in ORC Section 5101.61 defines the persons who are mandated reporters of suspected abuse, neglect, or exploitation. This section of the law reads as follows:

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.

The law also has a provision for other members of the community to report suspected abuse, neglect, or exploitation to the Adult Protective Services Unit. It is expected that anyone who witnesses or has knowledge of criminal abuse, neglect, or exploitation will call law enforcement as well as the APS unit.

**An exception
ORC §5122.01**

This section does not apply to employees of any hospital or public hospital as defined in ORC section 5122.01.

Investigations: Overview

Agency roles

Adult Protective Services and law enforcement each conduct investigations into alleged elder abuse. Each agency performs the investigations according to their own rules and timelines. They may also look at the same incident from different perspectives. Adult Protective Services is concerned with elder abuse as a civil matter and law enforcement is concerned with elder abuse when it reaches the criminal level. Both agencies are required to cross report when the elder abuse goes beyond the scope of their work and crosses into the other agencies realm. It is possible and may often happen that both Adult Protective Services and law enforcement would be investigating cases at the same time.

Factors that should not affect caseworkers or officers course of action

The elements of the reported abuse shall be the sole factors that determine the proper method of handling the incident. Factors such as the following are not to influence the investigator's course of action in an investigation of alleged elder abuse:

- Relationship or marital status,
 - Whether or not the suspect lives on the premises with the victim,
 - The existence of a temporary restraining order, or lack thereof.
 - Potential financial consequence of arrest,
 - Prior complaints or lack thereof,
 - Verbal assurances that violence/abuse will cease,
 - The victim's emotional state,
 - The victim's capacity to make informed decisions, i.e., dementia or mental illness,
 - Injuries that are not visible,
 - The location of the incident (public or private),
 - Speculation that the victim will not follow through with the criminal justice process,
 - No one else is able to care for the victim.
-

Sharing of Information

Confidentiality and sharing of investigative reports

Once a cross report has been made and an investigation started, the various agencies must share certain information to conduct a thorough and comprehensive investigation.

1. Whenever the law requires Adult Protective Services to report to a law enforcement agency, the law enforcement agency shall, upon request, provide a copy of its investigative report concerning the reported matter to that county adult protective services agency.
 2. Whenever the law requires a law enforcement agency to report to Adult Protective Services, the law enforcement agency can request to talk to the Adult Protective Services caseworker about the case. The caseworker can talk to the law enforcement agency about findings that specifically pertain to violations of law. Section 5101.61 (F) of the Ohio Revised Code states that “Neither the written or oral report provided for in this section nor the investigatory report provided for in section 5101.62 of the Revised Code shall be considered a public record as defined in section 149.43 of the Revised Code. Information contained in the report shall upon request be made available to the adult who is the subject of the report, to agencies authorized by the department to receive information contained in the report, and to legal counsel for the adult.”
 3. When an allegation of financial abuse is reported to Adult Protective Services, the cross report will not be sent to law enforcement until the caseworker has conducted an APS investigation and determined that a reasonable person would suspect financial abuse has occurred. Once this determination is made, the social worker will turn over the financial abuse investigation to law enforcement and continue to offer mandated services to the client.
-

Joint Investigations

Conducting joint investigations

Adult Protective Services (APS) caseworkers must work closely with local law enforcement agencies in some situations. The APS social worker should seek assistance from law enforcement when any of the following circumstances exist:

- When investigating a situation that is potentially dangerous,
- When a report of physical abuse is received and evidence is apparent,
- When a victim wants to file a police report,
- When it appears that there is a criminal violation involving physical and /or financial abuse,
- Upon verified reports of other types of abuse such as severe neglect,
- When assistance is needed to enforce a court order for entry into the home of an alleged victim,
- When assistance is needed to enforce a court order to remove a person from their home to a living situation that more closely meets their needs,
- To assist a client to leave a living situation when the alleged abuser is obstructive or dangerous.

Legal considerations

In some instances, when an abused person is confused and disoriented they may need evaluation and treatment. Law enforcement personnel may request the assistance of an APS worker, when there is a situation that involves an elderly adult, such as when:

- A police officer requests a joint response because the APS worker is needed to substantiate a victim's circumstances and provide services,
 - An elder adult needs care or shelter in an emergency,
 - An elder adult known to law enforcement is neglected, exploited, or a victim of self-neglect but where police intervention is not immediately possible.
-

Interviewing Considerations for Elders

Interviewing techniques for elder adult victims

The following techniques should be considered when interviewing an elder adult.

- A. Privacy:** The adult may be intimidated by caretakers or others in the surrounding area. Always try to conduct at least part of the interview in private. It may be necessary to remove the caregiver or others from the home to make the adult comfortable. If removing the caregiver is not practical they should be made to stay in a different part of the home where they cannot hear the interview. These techniques will make the adult feel more comfortable and allow them to speak frankly.
- B. Communication:** Special time and patience should be given to the elder adult. To help put the client at ease you may want to engage in some pleasant conversation before getting to the point of your visit. It might also help to thank the client for allowing you to interview him/her. Some of the older adults like to talk, and may take their time in getting to the important information that is needed. You may ask the caregiver or relative to provide a summary of the adult's ability to communicate and understand. Some adults (e.g. people with aphasia) may do better with pen and paper as their mode of communication.

Many older adults have trouble with glare. Try to sit where you are not backlit by a window or other light source. This may produce glare for those with cataracts.

Many older adults have hearing loss that affects higher frequency tones, lowering the pitch of your voice may help them to hear and understand you. If the adult has a "better ear," make sure to sit on that side. If they have a hearing aid make sure it is turned on. To confirm that the person has heard and understood you, ask them to rephrase what you told them.

If they are having difficulty speaking, you may find that speech improves the more at ease the person is. Be polite and respectful. Address the person as Mr. or Mrs. unless they request that you use their first name.

- C. Environment:** Try to conduct the interview in a quiet area. Before you begin your interview, reduce distracting background noises. Turn off the television or radio, close the door or move to a quieter place. Avoid sitting in front of windows or bright lights that may cause glare.

Make sure the client is comfortable, both physically and emotionally. The interviewer should sit at eye level, noting facial expressions and willingness to answer questions.

- D. Best time of day:** Try to find out if the person has a certain time of day that they are most alert and oriented. Some older adults, especially those with dementia, experience a phenomenon known as "sundowning", meaning that they become more confused in the latter part of the day.

Continued on next page

Interviewing Considerations for Elders, Continued

Interviewing techniques (continued)

- E. Medication effects:** Note if any medications have been taken prior to the interview. Ask specific questions about the name, dose, and time the medication is taken.
- F. Technique:** Avoid asking leading questions. Ask open-ended questions that allow the person to tell their story in their own words. Use direct quotes when appropriate in your documentation.
- G. Communicating with Memory Impaired Persons:** Establish the probability of memory impairment while you are in the initial phases of the interview. Some red flags to look for: vague answers, incorrect answers, avoiding questions, looking toward others for the answers, and repetitive questions/comments.

When interviewing memory impaired persons the following tips may be useful:

- Direct the conversation to the client and not to anyone else in the room. Do not talk about someone as if they aren't present.
 - Speak clearly and in a friendly manner; the tone of your voice may be more important than your words.
 - Speak slowly and in short, simple sentences.
 - Deliver one instruction at a time. Break a request into several steps if needed.
 - Communicate at eye level.
 - Make use of comforting gestures.
 - Respond to the feeling content of the client's words.
 - Interact in a dignified, respectful manner. Do not infantilize the older person.
-

Protection Orders: Comparison

Prepared and revised by Montgomery County Prosecutor's Office 4/5/07

Protection Orders: Comparison

	Domestic Violence Temporary Protection Order (DVTPO) O.R.C. §2919.26	Civil Protection Order (CPO) O.R.C. §3113.31
WHEN AVAILABLE	On filing of complaint for any offense of violence (see O.R.C. §2901.01(A)(9)), any sexually oriented offense (see O.R.C. §2950.01), Criminal Damaging or Endangering, Criminal Mischief, Burglary, or Aggravated Trespass ONLY if victim was a family or household member at time of the offense.	When a person has committed or attempted to commit an act of Domestic Violence, Menacing by Stalking, Aggravated Trespass, or a sexually oriented offense <u>against a family or household member</u> or who has committed an act that would result in <u>a family or household member</u> being an abused child (see O.R.C. 2151.031).
WHO MAY REQUEST	Complainant OR victim of criminal offense OR a family or household member of the alleged victim OR the arresting officer if victim is unable	Any person or a parent or adult household member on behalf of any other family or household member
WHERE FILED	Court with jurisdiction over criminal charge	Domestic Relations Court
TERMS	<p>“(Any) terms designed to ensure the safety and protection of the complainant, alleged victim, or (other) family or household member “ of the defendant.</p> <p>No order can be waived or nullified by reason of the consent or invitation of the victim or a family or household member.</p> <p>Per 18 U.S.C.A. §922(g)(8) defendant cannot have weapon.</p> <p>If defendant is bound over from a municipal or county court to a common pleas court, the municipal or county court shall order a copy delivered to that common pleas court.</p>	<p>“[A]ny ... orders ... necessary to protect the family or household member[s] from domestic violence” or “to protect the petitioner or victim from a sexually oriented offense.”</p> <p>No order can be waived or nullified by reason of the consent or invitation of the victim or a family or household member.</p> <p>Court may issue custody or support orders as part of CPO – ONLY those portions of a CPO terminate upon Juvenile or Domestic Relations court issuing subsequent custody or support orders.</p> <p>If victim or child is subject of visitation order, court may require public children services agency to supervise visitation for up to 9 months. Respondent shall, if not indigent, reimburse agency for costs.</p>
PROCEDURE	<p>Hearing no later than 24 hours after filing.</p> <p>Person requesting order or (if person requesting order is unable to appear due to medical condition from offense) a representative must appear in court</p> <p>Court may on its own motion issue ex parte order – must then hold hearing in presence of defendant no later than next court day after arrest or appearance pursuant to summons</p> <p>No filing fee may be charged.</p> <p>Court shall direct that a copy of order be delivered to defendant on same day order is entered.</p>	<p>Ex parte hearing held same day as filing of petition.</p> <p>Full hearing within 7 court days of ex parte hearing if defendant is ordered evicted or victim granted sole possession of residence, otherwise 10 court days; defendant must have notice and opportunity to be heard.</p> <p>Full hearing may be continued to a “reasonable time” if defendant not served, parties consent, needed to obtain counsel, or “other good cause.”</p> <p>No filing fee may be charged.</p> <p>Court shall direct that a copy of order be delivered to defendant on same day order is entered.</p>
DURATION	Until underlying criminal charge is dismissed or defendant is sentenced OR victim is issued a CPO or consent agreement.	Up to 5 years from date of issuing order.
ENFORCEMENT	<p>Law enforcement agencies shall maintain an index of all protection orders.</p> <p>Statewide enforcement by any law enforcement agency, whether or not order registered in that jurisdiction.</p>	<p>Law enforcement agencies shall maintain an index of all protection orders.</p> <p>Statewide enforcement by any law enforcement agency, whether or not order registered in that jurisdiction.</p>
VIOLATION O.R.C. 2919.27	See next page.	

Protection Orders: Comparison, Continued

Prepared and revised by Montgomery County Prosecutor's Office 4/5/07

December 2009

Montgomery County Elder Abuse Inter-Agency Guidelines

Page 29

Protection Orders: Comparison, Continued

	Criminal Protection Order (CRPO) O.R.C. §2903.213	Stalking And/Or Sexually Oriented Offense Protection Order (SSOPO) O.R.C. §2903.214
WHEN AVAILABLE	If charges filed for Felonious Assault, Aggravated Assault, Assault, Aggravated Menacing, Menacing by Stalking, Menacing, Aggravated Trespass, or any sexually oriented offense ONLY if victim was NOT a family or household member at time of the offense	When a person has engaged in Menacing by Stalking or a sexually oriented offense against any other person (<u>whether or not victim is or was a family or household member</u>)
WHO MAY REQUEST	Complainant OR victim of criminal offense or a family or household member of the alleged victim	Any person or a parent or adult household member on behalf of any other family or household member
WHERE FILED	Court with jurisdiction over criminal charge	Common Pleas Court (General Division) where person(s) to be protected reside(s).
TERMS	“(Any) terms designed to ensure the safety and protection of the complainant[.]” No order can be waived or nullified by reason of the consent or invitation of the victim or a family or household member. If defendant is bound over from a municipal or county court to a common pleas court, the municipal or county court shall order a copy delivered to that common pleas court.	“Any ... orders ... that the Court finds necessary for the safety and protection” of the person(s) protected by the order No order can be waived or nullified by reason of the consent or invitation of the victim or a family or household member.
PROCEDURE	Hearing no later than next court day after filing. Person requesting order must appear in court. Court may on its own motion issue ex parte order – must then hold hearing no later than next court day. No filing fee may be charged. Court shall direct that a copy of order be delivered to defendant on same day order is entered.	Ex parte hearing no later than next court day after petition filed. Full hearing within 10 court days of ex parte hearing; defendant must have notice and opportunity to be heard. Full hearing may be continued to a “reasonable time” if defendant not served, parties consent, a party needs to obtain counsel, or “other good cause.” No filing fee may be charged. Court shall direct that a copy of order be delivered to defendant on same day order is entered.
DURATION	Until underlying criminal charge is dismissed or defendant is sentenced OR until victim obtains SSOPO.	Up to 5 years from date of issuing order.
ENFORCEMENT	Law enforcement agencies shall maintain an index of all protection orders. Statewide enforcement by any law enforcement agency, whether or not order registered in that jurisdiction.	Law enforcement agencies shall maintain an index of all protection orders. Statewide enforcement by any law enforcement agency, whether or not order registered in that jurisdiction.
VIOLATION O.R.C. 2919.27	<ul style="list-style-type: none"> - FIRST OFFENSE (M1) - 1 PRIOR CONVICTION of violating an order issued pursuant to O.R.C. §2903.213 (Stalking Protection Order) (F5) - 1 PRIOR CONVICTION of violating an order issued pursuant to O.R.C. §2903.214 (Stalking Civil Protection Order) (F5) - 2 OR MORE CONVICTIONS (if the prior convictions involved the same person subject to the current protection order) of: §2903.21(Aggravated Menacing), §2903.211 (Menacing by Stalking), §2903.22 (Menacing), §2911.211 (Aggravated Trespass) (F5) - 1 OR MORE PRIOR CONVICTIONS OF O.R.C. §2919.27 (Violating Protection Order) (F5) - VIOLATES PROTECTION ORDER WHILE COMMITTING A FELONY OFFENSE (F3) 	

Types of Abuse: Neglect, Self-Neglect, Endangerment

The law ORC §5101.60

"Neglect" means failure of an adult to provide for himself 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.

Indicators of neglect and self-neglect

Neglect typically means the refusal or failure to provide an elderly person with such life necessities as food, water, clothing, shelter, personal hygiene, medicine, comfort, personal safety, and other essentials included in an implied or agreed-upon responsibility to an elder.

Signs and symptoms of neglect include but are not limited to:

- dehydration, malnutrition, untreated bed sores, and poor personal hygiene;
 - unattended or untreated health problems;
 - hazardous or unsafe living condition/arrangements (e.g., improper wiring, no heat, or no running water);
 - unsanitary and unclean living conditions (e.g., dirt, fleas, lice on person, soiled bedding, fecal/urine smell, inadequate clothing);
 - an elder's report of being mistreated;
 - Hoarding Syndrome;
 - absence of needed aids (dishes, glasses, walker, etc.);
 - absence of medications (empty bottles); and
 - unpaid utility bills.
-

Types of Abuse: Physical Abuse

Legal definitions ORC §5101.60

"Abuse" means the infliction upon an adult by himself or others of injury, unreasonable confinement, intimidation or cruel punishment with resulting physical harm, pain, or mental anguish.

"Physical Abuse" means intentional use of physical force that results in bodily injury, pain or impairment.

Indicators of Physical Abuse

Signs and symptoms of physical abuse include but are not limited to:

- bruises, black eyes, welts, burns, lacerations, and rope marks;
 - bone fractures, broken bones, and skull fractures;
 - open wounds, cuts, punctures, untreated injuries in various stages of healing;
 - sprains, dislocations, and internal injuries/bleeding;
 - broken eyeglasses/frames, physical signs of being subjected to punishment;
 - signs of being restrained;
 - laboratory findings of medication overdose or under-utilization of prescribed drugs;
 - an elder's report of being hit, slapped, kicked, or mistreated;
 - an elder's sudden change in behavior;
 - the caregiver's refusal to allow visitors to see an elder alone;
 - isolation from others;
 - deprivation of transportation, telephone, and/or meal;
 - dehydration;
 - malnutrition;
 - weight loss;
 - untreated pressure "bed" sores;
 - absence of glasses, hearing aids, dentures, prostheses;
 - absence of food, water, heat;
 - repeated injuries; and
 - unexplained injuries,
 - discrepancies in explanation or
 - explanation inconsistent with medical diagnosis.
-

Ohio Revised Code Violations Relating to Neglect, Endangerment and Physical Abuse

Ohio Revised Code Violations Listed below are common Code violations relevant to elder abuse cases when neglect, endangerment and physical abuse are alleged:

Violation	Revised Code Section(s)
Aggravated murder	§2903.01
Murder	§2903.02
Voluntary manslaughter	§2903.03
Involuntary manslaughter	§2903.04
Reckless homicide	§2903.041
Negligent homicide	§2903.05
Aggravated vehicular homicide; vehicular homicide; vehicular manslaughter	§2903.06
Aggravated vehicular assault; vehicular assault	§2903.08
Felonious assault	§2903.11
Aggravated assault	§2903.12
Assault	§2903.13 (raise to an F4 if the victim is a functionally impaired person). §2903.10 (definition of functionally impaired person-includes infirmities caused by age)
Negligent assault	§2903.14
Failure to provide for a functionally impaired person	§2903.16 §2903.10 (definition of functionally impaired person-includes infirmities caused by age)
Aggravated menacing	§2903.21
Menacing by stalking	§2903.211
Menacing	§2903.22
Patient abuse; neglect	§2903.34
Patient endangerment	§2903.341
Kidnapping	§2905.01 (if mentally incompetent)
Abduction	§2905.02
Unlawful restraint	§2905.03
Intimidation	§2921.03
Intimidation of attorney, victim or witness in a criminal case	§2921.04

Types of Abuse: Financial Abuse / Exploitation

Legal definition
ORC §5101.60 **"Exploitation"** means the unlawful or improper act of a caretaker using an adult or his resources for monetary or personal benefit, profit or gain.

Indicators Signs and symptoms of financial or material exploitation include but are not limited to:

- sudden changes in bank account or banking practice, including an unexplained withdrawal of large sums of money by a person accompanying the elder;
 - use of ATM card when the elder is unable to leave home;
 - changes in bill payment patterns;
 - recent new acquaintance or people moving in with the elder adult;
 - loans taken out by elder adult for things not personally needed;
 - suspicious activity on credit cards;
 - the inclusion of additional names on an elder's bank signature card;
 - unauthorized withdrawal of the elder's funds using the elder's ATM card;
 - abrupt changes in a will or other financial documents;
 - elder is concerned or confused about missing funds;
 - foreclosures or second mortgages;
 - unexplained disappearance of funds or valuable possessions;
 - substandard care being provided or bills unpaid despite the availability of adequate financial resources;
 - discovery of an elder's signature being forged for financial transactions or for the titles of his/her possessions;
 - sudden appearance of previously uninvolved relatives claiming their rights to an elder's affairs and possessions;
 - unexplained sudden transfer of assets to a family member or someone outside the family;
 - the provision of services that are not necessary;
 - an elder's report of financial exploitation;
 - untreated medical or mental health problems;
 - the elder adult's mail is being redirected to a different address; and
 - isolation of the elder adult.
-

Ohio Revised Code Violations Relating to Financial Abuse / Exploitation

Ohio Revised Code Violations Listed below are common Code violations relevant to elder abuse cases when financial abuse/exploitation is alleged:

Violation	Revised Code Section(s)
Extortion	§2905.11
Coercion	§2905.12
Aggravated robbery	§2911.01
Robbery	§2911.02
Aggravated burglary	§2911.11
Burglary	§2911.12
Safecracking	§2911.31
Theft	§2913.02 §2913.02(B)(3) (the degree of felony is raised one level if the theft is from an elderly person; elderly is age 65 and over, pursuant to §2913.10(CC)).
Unauthorized use of vehicle	§2913.03(D)(4)
Unauthorized use of property	§2913.04(E)(4)
Passing bad checks	§2913.11
Misuse of credit card	§2913.21
Forgery; identification card offenses	§2913.31(C)(1)(c)
Tampering with records	§2913.42
Securing writings by deception	§2913.43(B)(3)
Identity fraud	§2913.49(I)(3)
Receiving stolen property	§2913.51
Aggravating Circumstance: Evidence of victim's lack of capacity to give consent	§2913.73
Conspiracy	§2923.01

Types of Abuse: Sexual Abuse

Legal Definitions, ORC §2907.01-2907.06

“Sexual Abuse” means non-consensual sexual contact of any kind with an adult regardless of age of the perpetrator. Sexual abuse definitions and statutes relevant to elder abuse can be found in the Revised Code beginning with section 2907.01.

Consensual versus non-consensual contact

The following points should be noted with regards to consensual vs. non-consensual sexual contact:

- sexual abuse is any non-consensual sexual contact of any kind with an elder.
 - if an elder is mentally impaired, consent can usually not be given.
 - in many cases, elder adults are unable to provide legal consent to engage in sexual activity.
 - experts or professionals who have provided care and treatment for the elder should be consulted to determine if the person is able to legally consent to sexual activity.
-

Indicators

Listed below are indicators of sexual abuse usually found in sexual abuse cases involving elder adults:

- venereal disease,
 - infections around genitalia,
 - bruises, lacerations, bleeding or welts in vaginal, rectal, or breast area,
 - intense reaction of fear to an individual or to people in general,
 - nightmares,
 - sleep disturbance,
 - phobic behavior,
 - mistrust of others,
 - extreme reaction to being examined, changed, or bathed,
 - regressive or aggressive behaviors.
-

Ohio Revised Code Violations Relating to Sexual Abuse

Ohio Revised Code Violations Listed below are common criminal Ohio Revised Code violations relevant to elder abuse cases when sexual abuse is alleged:

Violation	Revised Code Section(s)
Rape	§2907.02(A)(1)(c)
Sexual Battery	§2907.03(A)
Gross sexual imposition	§2907.05(A)(5)
Sexual imposition	§2907.06(A)

Types of Abuse: Emotional Abuse/Mental Suffering

Definition
OAC 5101:2-20-01 “**Emotional Abuse**” means to threaten, humiliate, intimidate, or psychologically harm an adult; to violate their right to make decisions; and/or deprive them of their privacy.

Indicators Signs and symptoms of emotional/psychological abuse include but are not limited to:

- being emotionally upset or agitated;
- being extremely withdrawn and non communicative or non responsive;
- unusual behavior usually attributed to dementia (e.g., sucking, biting, rocking);and
- an elder adult's report of being verbally or emotionally mistreated.

Ohio Revised Code Violations Relating to Emotional Abuse/Mental Suffering

Related Ohio Revised Code

Listed below are common criminal Ohio Revised Code violations relevant to elder abuse cases when emotional abuse/mental suffering is alleged:

Violation	Ohio Code Section
Felonious Assault (serious physical harm may include "Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment)	§ 2903.11(A)(1)
Failing to Provide for a Functionally Impaired Person (Under definition of serious physical harm, see above)	§ 2903.16(A) or 2903.16(B)
Aggravated Menacing	§ 2903.21(A)
Menacing by Stalking	§ 2903.211(A)(1)
Menacing	§ 2903.22(A)
Kidnapping	§2905.01(A)(3)
Abduction	§2905.02 (A)(2)
Extortion	§2905.11(A)(5)
Coercion	§2905.12(A)(3)
Disorderly Conduct	§2917.11(A)(1)
Telecommunications Harassment	§2917.21(B)
Nonsupport or Contributing to Nonsupport of Dependents	§2919.21(B)
Domestic Violence	§2919.25(C)
Violation of a Protection Order (depending on conditions contained in Order)	§2919.27(A)(1) or (A)(2) or (A)(3)
Intimidation	§2921.03(A)
Retaliation	§2921.05(B)

Medical Treatment of Victim

Medical treatment

The physical and mental welfare of a victim of abuse is the primary concern of the case worker. If medical assistance is required, then the victim should be transported by appropriate method to the proper medical facility. If the situation is emergent, call 9-1-1 and request an ambulance or medic for transport to the nearest emergency treatment facility.

Mental Health issues

For mental health issues not requiring emergency services, a referral can be made to Crisis Care at 937-224-4646. Crisis Care staff will want to speak to the reported victim rather than a referrer/professional. This resource is staffed by mental health professionals who can conduct a cursory assessment and provide information about potentially beneficial services for the person.

In emergency situations, such as the person is at risk of harming themselves or others, Crisis Care can send a mental health professional to the home to assess whether the person needs to be taken to the hospital. The Crisis Care worker has the authority to have the person taken to a hospital if necessary. Law enforcement may be contacted in some emergency situations and possibly make an emergency committal to a local hospital.

Geriatric assessments

For persons over age 60 years old, a geriatric assessment may be helpful. Geriatric assessment focuses on physical and mental function and can either be done in a clinician's office or as a home visit. A home visit may be possible if the person is home-bound, meaning that the person is taxed physically at just leaving the home, and is rarely leaving the home except for occasional visits for health care or grooming. If the person has a personal physician or other primary care provider, assessment should begin with a contact with the primary provider.

See the Community Resource List within this document regarding where to refer for geriatric assessments or memory impairment.

Competency

Legal Definition ORC §2111.01

“**Incompetent person**” is defined by the Revised Code as:

Any person who is so mentally impaired as a result of a mental or physical illness, disability, mental retardation or as a result of chronic substance abuse that the person is incapable of taking proper care of the person’s self or property or fails to provide for the person’s family or other persons for whom the person is charged by law to provide.

Overview

A victim’s lack of competence does not necessarily make a case improvable. In some cases, it is the elder’s lack of mental capacity that makes the case against the suspect provable, especially in financial abuse cases. Every case must be analyzed to assess issues of competency and their relative importance. When possible, the investigation should be directed toward making the case provable without the victim, who may not be competent to testify or who may pass away prior to trial.

Competency presumptions

The following is a list of presumptions made about competency:

- Witnesses are presumed to be competent.
 - The burden of proof is on the party challenging competency to establish that the witness is incompetent.
 - Thus, the burden is on the prosecution to prove that a victim is legally incompetent to engage in the questioned financial transactions or unable to provide consent to engage in sexual activity.
 - Demonstrating competency requires the use of a series of questions to show that the witness understands, relates, and communicates appropriate answers.
 - Legal competency is different from psychological competency.
 - Psychological competency focuses on the ability or capacity to carry out functions, make decisions, and understand and select among choices.
 - Legal competency requires the ability to differentiate truth from fantasy, the awareness that one must testify truthfully in court, and the capacity to communicate to be understood.
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Competency medical opinions

If the victim has been treated or seen by a medical doctor or therapist, that person should be contacted and interviewed regarding the victim’s competency.

Guardianship

**Legal Definition
ORC §2111.01** Guardianship is a formal, legal relationship where a competent willing person is appointed by the Probate Court (Court) to have the care and management of the person, estate or both of an incompetent person. Revised Code defines a guardian as “any person, association or corporation appointed by the Court to have the care and management of the person, estate or both of an incompetent”.

Probate Court The Probate Court is the superior guardian and delegates to the appointed guardian the care and management of the person and/or estate of an incompetent. The appointed guardian acts as an agent for the Court and subject to the control of the Court.

In connection with an application for the appointment of a guardian for an alleged incompetent, the Court may appoint physicians and other qualified persons to examine, investigate, or represent the alleged incompetent, to assist the Court in deciding whether a guardianship is necessary.

The Court may remove any fiduciary, after giving the fiduciary not less than ten days’ notice, for habitual drunkenness, neglect of duty, incompetency, or fraudulent conduct, because the interest of the property that the fiduciary is responsible for administering demands it, or for any other cause authorized by law.

**Types of
Guardians** Guardian of the estate of a ward has the authority to make all financial decisions for the ward, including:

1. Taking inventory all of the ward’s assets
2. Releasing and opening of the ward’s bank accounts.
3. Making expenditures for the benefit of the ward (with approval of Court).
4. Sell personal and real property of the ward.
5. Make investment of surplus funds.

Guardian of the person of a ward has the authority to control and protect the person of the ward, including:

1. Provide suitable maintenance from the ward’s estate.
 2. Authorize or approve the provision to the ward of medical, health, or other professional care, counsel, treatment, or services.
 3. Make suitable living arrangements for the ward.
 4. Provide food, clothing, and shelter for the ward.
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Continued on next page

Guardianship, Continued

Application Process, ORC §2111.03

An applicant for guardian must petition the Probate Court to seek a guardianship of an alleged incompetent. He or she must include a statement from a physician stating why the ward is incompetent and in need of a guardian. If no report is attached, a statement must be attached setting forth that the prospective ward has refused to submit to an examination.

The applicant for the guardianship must show by clear and convincing evidence that the prospective ward is incompetent and that the applicant is a suitable person to be guardian.

The application for guardianship must be made in the Probate Court in the county where the prospective ward resides or has a legal settlement.

The Probate Court schedules a hearing and notifies the proposed ward personally and his or her next-of-kin who reside in the state of Ohio, by certified mail.

The proposed ward has the right to service of the notice of application at least seven days before the scheduled hearing date.

At the time of the service of notice upon an alleged incompetent, the Court shall require a regular Probate Court investigator to investigate the circumstances of the alleged incompetent, and, to the maximum extent feasible, to communicate to the alleged incompetent in a language or method of communication that he can understand, his rights as specified in that division, and subsequently to file with the Court a report containing:

- (1) A statement indicating that the notice was served and describing the extent to which the alleged incompetent's rights to be present at the hearing, to contest any application for the appointment of a guardian for his person, estate, or both, and to be represented by an attorney were communicated to him in a language or method of communication understandable to the alleged incompetent;
- (2) A brief description, as observed by the investigator, of the physical and mental condition of the alleged incompetent;
- (3) A recommendation regarding the necessity for a guardianship or a less restrictive alternative;
- (4) A recommendation regarding the necessity of appointing, pursuant to ORC Section 2111.031, an attorney to represent the alleged incompetent.

The report shall be made a part of the record in the case and shall be considered by the Court prior to establishing any guardianship for the alleged incompetent.

Emergency Guardianship

Legal Definition Ohio Revised Code allows the Probate Court to intervene to appoint
ORC §2111.02 someone for an incompetent adult in an emergency:

If an incompetent has not been placed under a guardianship and if an emergency exists, and if it is reasonably certain that immediate action is required to prevent significant injury to the person or estate of the incompetent, at any time after it receives notice of the emergency, the Court, ex parte, may issue any order that it considers necessary to prevent injury to the person or estate of the incompetent, or may appoint an emergency guardian for a maximum period of seventy-two hours.

Procedure A written copy of any order issued by the Court under this division shall be served upon the incompetent as soon as possible after its issuance. Failure to serve such an order after its issuance or prior to the taking of any action under its authority does not invalidate the order or the actions taken. The powers of an emergency guardian shall be specified in the letters of appointment, and shall be limited to those powers that are necessary to prevent injury to the person or estate of the incompetent.

If the Court acts ex parte or without notice to the incompetent, the Court, at its first opportunity, shall enter upon its journal a record of the case and, with specificity, the reason for acting ex parte or without notice. For good cause shown, after notice to the incompetent and interested parties, and after hearing, the Court may extend an emergency guardianship for a specified period, but not to exceed an additional thirty days.

Conservatorship

**Definition,
ORC §2111.021**

A competent adult who is physically infirm may petition the Probate Court of the county in which he resides, to place, for a definite or indefinite period of time, his person, any or all of his real or personal property, or both under a conservatorship with the Court. A petitioner either may grant specific powers to the conservator or Court or may limit any powers granted by law to the conservator or Court, except that the petitioner may not limit the powers granted to the Court by this section and may not limit the requirement for bond as determined by the Court. The petition shall state whether the person of the competent adult will be placed under the conservatorship, shall state with particularity all real and personal property that will be placed under the conservatorship, shall state the powers granted and any limitation upon the powers of the conservator or Court, and shall state the name of a proposed suitable conservator.

**Procedure,
ORC §2111.021**

After a hearing, if the Court finds that the petition was voluntarily filed and that the proposed conservator is suitable, the Court shall issue an order of conservatorship. Upon issuance of the order, all sections of the Revised Code governing a guardianship of the person, the estate, or both, whichever is involved, except those sections the application of which specifically is limited by the petitioner, and all rules and procedures governing such a guardianship, shall apply to the conservatorship, including, but not limited to, applicable bond and accounting requirements.

A conservatorship shall terminate upon a judicial determination of incompetency, the death of the petitioner, the order of the Probate Court, or the execution of a written termination notice by the petitioner. A termination notice shall take effect upon execution by the petitioner, and shall be filed with the Court and served upon the conservator. A termination notice executed by a petitioner relative to a conservatorship of the estate and the termination of a conservatorship of the estate based upon a termination notice are void unless the termination notice is filed with the Court within fourteen days after its execution. Modification of the powers of a conservator or the Court may be made by the petitioner upon motion to the Court at any time during the conservatorship. Neither the establishment of a conservatorship nor the filing of a petition for conservatorship with the Probate Court shall be considered as evidence of mental impairment under section 2111.01 of the Revised Code.

Resources and Services

GENERAL ELDERLY SERVICES

Area Agency on Aging

40 West Second Street, Suite 400

Dayton, OH 45402

www.info4seniors.org

937-223-HELP (7217)

(1-800-258-7277)

- Provides services that help frail senior citizens remain in their own homes and services that support consumers of long-term care.
- Offers caregiving and respite care information and resource referrals.
- Serving seniors in Champaign, Clark, Darke, Greene, Logan, Miami, **Montgomery**, Preble and Shelby Counties.

Elder Care Mediation

City of Dayton Mediation Services

101 West Third Street

Dayton, OH 45402

www.info4seniors.org

937-333-2352

Monday-Friday, 7 a.m.–6 p.m.

- Provides mediation services for any seniors (60 years and older) and their families in Montgomery County who need to resolve conflicts with one another.

East End Community Services

624 Xenia Avenue

Dayton, OH 45410

www.east-end.org

937-259-1898

Monday-Friday, 8:30 a.m.–5 p.m.

- Provides outreach case management, chore services and minor home safety modifications for frail elderly seniors 60+ meeting all eligibility criteria

Jewish Federation of Greater Dayton

33 West First Street, Suite 100

Dayton, OH 45402

www.jewishdayton.org

937-610-1555

Monday-Friday, 8:30 a.m.–5 p.m.

- Provide Kosher home delivered and congregate meals for frail elderly persons who meet eligibility criteria.

Life Essentials

123 Riverside Drive, Suite 100

Dayton, OH 45405

www.lifessentials.org

937-586-0545

Monday-Friday, 8:30 a.m.–5 p.m.

- Provides guardianship services for incapacitated individuals who have no family or friends to advocate on their behalf in the Nursing Home. These frail eligible individuals must be 60+ and must meet program eligibility requirements.

Continued on next page

Resources and Services, Continued

GENERAL ELDERLY SERVICES -- Continued

Rebuilding Together Dayton

1056 Brown Street
Dayton, OH 45409
www.rtdayton.org

937-229-4892

Monday–Friday, 8:30 a.m.–5 p.m.

- Provides minor home safety modifications for frail elderly individuals 60+ who meet program eligibility requirements.

Senior Resource Connection

222 Salem Avenue
Dayton, OH 45406
www.seniorresourceconnection.com

937-223-8246 x230

- Preventative Case Management provided to individuals aged 60 and older.
- Brings together current information and listings on programs and services available for seniors and their caregivers in Montgomery County
- Provides home delivered meals or congregate meals for eligible individuals aged 60 and older.
- Provides a community geriatric nurse to perform geriatric assessments and make appropriate referrals in the community.

Senior Transportation Expansion Program Miami Valley Regional Planning Commission

One Dayton Centre
One South Main St., Suite 260
Dayton, OH 45402
www.mvrpc.org

937-531-6524

Monday–Friday, 8 a.m.–5 p.m.

- Will provide referral to the most appropriate senior transportation provider in the community based on elderly person's circumstances and location.

Southern Christian Leadership Conference

2132 Martin-Luther King Jr. Way
Dayton, OH 45417

937-268-0051

Monday–Friday, 8:30 a.m.–5 p.m.

- Provides home delivered meals to frail elderly seniors 60+ who meet program eligibility requirements.

Wesley Community Center

3730 Delphos Ave.
Dayton, OH 45417
www.wesleycenterdayton.org

937-263-3556

Monday–Friday, 8:30 a.m.–5 p.m.

- Provides outreach case management, transportation, and intergenerational activities for frail elderly individuals 60+ who meet program eligibility requirements.

Resources and Services, Continued

ADULT DAY CARE / RESPITE CARE SERVICES

**Catholic Social Services
of the Miami Valley**

937-223-7217
(1-800-300-2937)

922 West Riverview Ave.
Dayton, OH 45402
www.cssmv.org

Respite Care Program

- Relief for families who care for frail elderly members over the age of 60 at home with no other alternatives.

Senior Visiting Program

- Trained volunteers provide weekly visits and calls to socially isolated seniors to offer companionship.
- Caregiver Support Groups

**Easter Seals Adult Day Service
at Shiloh House**

937-275-4626
Monday-Friday, 7 a.m.–5:30 p.m.

4710 Salem Avenue
Dayton, OH 45416
www.gesmv.easterseals.com

- Quality care for impaired adults aged 30 or older
- RN on duty

**Montgomery County Board of
Developmental Disabilities Services**

937-837-9700
Monday–Friday, 8 a.m.–5 p.m.

5450 Salem Avenue
Dayton, OH 45426
www.mcdds.org

- Provides adult daycare for frail elderly individuals who are 60+ with developmental disabilities and meet program eligibility requirements

Senior Resource Connection - Adult Day Services

Central: 105 S. Wilkinson Street
Dayton, OH 45402

937-223-8246 x135
Monday-Friday, 7 a.m.–6 p.m.

South: 5601 Kentshire Drive
Kettering, OH 45440

937-433-1332
Monday-Friday, 7 a.m.–6 p.m.

- Social Health Rehabilitation Model. Two levels of care to provide full-time nursing care, health monitoring, medication administration, personal care, special diets.
- Provide opportunities for physical, social, therapeutic activities.
- Ongoing family/caregiver support.
- Respite care available as needed.
- Transportation provided within 22 miles radius of each location.

Continued on next page

Resources and Services, Continued

ADULT DAY CARE / RESPIRE CARE SERVICES -- Continued

St. Leonard Center “Dayaway”

8100 Clyo Road
Centerville, OH 45458
www.stleonard.net

937-439-7146

Monday-Friday, 7:30 a.m.–5:30 p.m.

- Variety of activities provided including: outings, singing, pet therapy, games, memory exercise, etc.

**Senior Care: The Elder Care Program
of Miami Valley Hospital**

50 South Findlay Street
Dayton, OH 45403

937-259-9805

- Offers medically-based adult daycare for adults with mental, behavioral and/or physical challenges, providing recreational therapy, nursing services, structure, and stimulation.

**Senior Companion Program
of Graceworks Lutheran Services**

3131 South Dixie Drive, Suite 300
Dayton, OH 45439
scp@graceworks.org

937-534-7937

- Volunteers provide friendship to at-risk elderly and brief respite to primary caregivers. Income eligible volunteers aged 60 and older receive tax-free stipend.
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Resources and Services, Continued

ADULT PROTECTIVE SERVICES

Adult Protective Services

937-225-4906

Montgomery County Department
of Job and Family Services
1111 S. Edwin Moses Boulevard
Dayton, OH 45422

24-hours reporting (as of 1/12/10)

www.mcoho.org/services/jobandfamily

- Adult protective services, investigating abuse, neglect, self-neglect and exploitation of persons aged 60 and older.

Long-Term Care Ombudsman

937-223-4613

15 East Fourth Street, Suite 208
Dayton, OH 45402

(1-800-395-8267)

www.dayton-ombudsman.org

- Addresses the concerns of consumers in a variety of long-term care settings, such as nursing homes, residential and adult care facilities, and group care settings such as adult foster homes.
- Assists in resolving concerns about all aspects of long-term care including abuse, restraints, dietary, activities, staffing, environment, policies, social services, access to information and more.

Montgomery County Board of Developmental Disabilities Services

937-457-2765

Department of Safety & Protection
1 Elizabeth Place, Suite 138
Dayton, OH 45408

24-hour reporting hotline

www.mcbdds.org

- Contact in case of abuse, neglect or exploitation of any person with developmental disabilities who is a client of the Board of Developmental Disabilities Services. The Board has a state-mandated investigation protocol it must follow.

Senior Resource Connection Social Services Division

937-223-8246

222 Salem Avenue
Dayton, OH 45406

www.seniorresourceconnection.com

- Provides case management and adult protective services, investigating abuse, neglect, self-neglect and exploitation of persons aged 60 and older.

Resources and Services, Continued

DOMESTIC VIOLENCE AND OTHER VICTIM SERVICES -- Continued

Victim Services

Montgomery County Sheriff's Office

345 W. Second Street

P.O. Box 972

Dayton, OH 45422

www.mcoho.org/Sheriff/Operations/victim_advocates

937-225-4665

or 937-225-4041

or call: Montgomery Co. Sheriff's

Communications Center: 937-225-4357

hartleyp@mcoho.org

- Provides comprehensive services to those affected by traumatic or violent criminal acts including survivors, witnesses, and family members.
 - Reviews all reports of violence and contacts victims to ensure they receive information regarding victim rights, protection orders, safety planning, and referral information.
 - Informs victims regarding the judicial process.
 - Provides transportation and court accompaniment to all victims.
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Resources and Services, Continued

LEGAL SERVICES

Lawyer Referral Service

937-222-6102

Dayton Bar Association

Monday-Friday, 9:00 a.m. - 5:00 p.m.

130 West Second St., Suite 600

Dayton, OH 45402-1501

www.daybar.org

- Provides confidential referrals for attorneys and other legal resources based on the stated expertise in the area of Law, geographic preference, and language preference.

Legal Aid of Western Ohio - Dayton

937-228-8104

333 West First Street, Suite 500

Apply for assistance on Legal Aid Line:

Dayton, OH 45402-3031

1-888-534-1432

www.ablelaw.org

- Provides legal services to Montgomery County residents who meet certain income limits.
- Legal Aid attorneys can provide representation to obtain a Civil Protection Order (CPO) for victims of domestic violence.

Legal Hotline for Older Ohioans - ProSeniors

1-800-488-6070

105 East Fourth Street, Suite 1715

Cincinnati, OH 45202

www.proseniors.org

- Ohio residents aged 60 and over, regardless of income or location, may call for free legal information on numerous topics including Medicare, Medicaid, HMOs, Social Security, etc.
- Telephone appointments for the Legal Hotline are made Monday - Friday, 8:30 a.m. - 4:30 p.m.
- Operates the Hotline Referral Attorney Panel (HRAP) to assist callers who need more personal attention by referring them to an attorney who will handle their legal problems. The HRAP has attorneys throughout Ohio. Many HRAP attorneys have agreed to accept cases from moderately low-income persons at reduced fees.

Montgomery County Probate Court

937-225-4640

Alice O. McCollum, Judge

41 North Perry Street, 2nd floor

Dayton, OH 45402

www.mcoho.org/probate

- The Probate Court is the primary judicial authority responsible for providing legal authority to Adult Protective Services to provide protective services on an emergency and routine basis to incapacitated adults. The Probate Court has exclusive jurisdiction to protect incompetent adults by the appointment of guardians of the estate and/or person, on an emergency and regular basis.

Resources and Services, Continued

SPECIALIZED MEDICAL AND OTHER ASSISTANCE

Alzheimer's Association 937-291-3332
3797 Summit Glen Drive, Suite G100 (1-800-272-3900 – 24 hours)
Dayton, OH 45449
www.alz.org/dayton

- Provides educational programs, care planning, respite support, Help Line, Safe Return, library, support groups.

Community Memory Clinic 937-775-4300
Duke E. Ellis Human Development Institute
Wright State University
9 North Edwin C. Moses Blvd.
Dayton, OH 45402-6837
E-mail: sopp_memory@wright.edu

- Provides neuropsychological assessment services for the differential diagnosis of dementia disorders such as Alzheimer's disease and vascular dementia. Referrals are accepted from treatment providers, attorneys, patients and families.

Crisis Care 937-224-4646
Samaritan Behavioral Health 24 hours a day, seven days a week
Elizabeth Place, NW Bldg., 1st Floor
601 Edwin C. Moses Blvd.
Dayton, OH 45408
www.sbhihelp.org/html/crisis_care.htm

- Crisis and assessment service (including evaluation for hospitalization) for any person in Montgomery County with mental health or drug and alcohol needs.

Memory Disorders Center at Wallace 937-298-3399 x55299
Kettering Neuroscience Institute
Kettering Medical Center Network
3533 Southern Boulevard, Suite 5300
Kettering, OH 45429
www.wkni.org/neuropsychology

- Diagnosis and neuropsychological studies; social support services for patients and caregivers.

Senior Resource Connection 937-223-8246
222 Salem Avenue Monday–Friday, 8:30 a.m.–5 p.m.
Dayton, OH 45406
www.seniorresourceconnection.com

- Provides a community geriatric nurse to perform geriatric assessments and make appropriate referrals in the community.

Continued on next page

Resources and Services, Continued

SPECIALIZED MEDICAL AND OTHER ASSISTANCE -- Continued

Unified Health Solutions
1111 Edwin C. Moses Blvd.
Dayton, OH 45422
www.uhs-dayton.org

937-220-660 x6644
Monday–Friday, 8:30 a.m.–5 p.m.

- Provides prescription assistance and Medicare Part D counseling for frail elderly individuals 60 years and older who meet program eligibility requirements.

Wright State Physicians -- Geriatrics **937-458-6700**
Ollie Davis Medical Arts and Education Center
68 Darst Road
Beavercreek, OH 45440
<http://www.wrightstatephysicians.org/geri/>

- Geriatric assessment focuses on assessment of mood, and cognitive and physical functioning.
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