

2002

Illinois Gets Tough on Elder Abuse

Lanetta Haynes

Follow this and additional works at: <http://lawcommons.luc.edu/pilr>

 Part of the [Elder Law Commons](#)

Recommended Citation

Lanetta Haynes, *Illinois Gets Tough on Elder Abuse*, 7 Pub. Interest L. Rptr. 16 (2002).

Available at: <http://lawcommons.luc.edu/pilr/vol7/iss2/8>

This News is brought to you for free and open access by LAW eCommons. It has been accepted for inclusion in Public Interest Law Reporter by an authorized administrator of LAW eCommons. For more information, please contact law-library@luc.edu.

ILLINOIS GETS TOUGH ON ELDER ABUSE

By Lanetta Haynes

Do you know an elderly person who has been either financially or emotionally abused? If not, be moved by the story, reported in a four-part series by the *Chicago Sun-Times*, of a 96-year-old widow suffering from dementia who had been ripped off by a live-in caregiver. The elderly victim was found by social workers living in a North Lake Shore condo littered with garbage, decaying food and soiled underwear. This story shocked the conscience of many. However, the Illinois Department on Aging (IDA) reported that financial and emotional abuse of this type makes up 53% and 37%, respectively, of reported cases of elder abuse in Illinois.

The problem, according to many, is that elder abuse is largely a family problem. According to Margo E. Schreiber, Director of IDA, three out of four abusers are either a spouse, child or other relative. Many elderly victims are often afraid or too embarrassed to report their family members to local authorities.

In April 2000, Governor George Ryan established the Elder Abuse Task Force ("Task Force") in response to the growing number of reported cases of elder abuse. The goal of the Task Force is to help the thousands of Illinois seniors who are financially and emotionally abused. The Task Force's responsibilities include recommending policies and/or legislation in the prevention of elder abuse. Further, IDA is responsible for providing an Elder Abuse Service Program—an intervention program locally coordinated through 45 provider agencies. These agencies are respon-

sible for investigating and resolving claims of abuse against the elderly.

Kerry Peck, a lawyer who specializes in elder law and serves on Governor Ryan's Elder Abuse Task Force, stated in an interview with the *Chicago Sun-Times* that one of the problems is the lack of resources available to the agencies that work under the IDA's intervention program. "Under the present system, if you believe there is an instance of abuse, and you call the [state's] hotline, you are assigned to local agencies. They are overworked and understaffed, and they don't have the authority to push their way through the front door. If they get to the door and Mom says, 'I'm fine, get out of my house,' they're out. That is a significant failing in the system."

Financial and emotional abuse makes up 53% and 37%, respectively, of reported cases of elder abuse in Illinois.

Other efforts to prevent the problem of elder abuse have been undertaken by various agencies, most notably the Chicago Police Department's Area 4 Headquarters. This department has launched a trial program that trains detectives to focus specifically on the investigation, prevention and reporting of elder abuse. More effective legislation has also been recommended as a solution. Currently before the Senate is a bill that would amend the Elder Abuse and Neglect Act. H.B. 0596, 107th Cong. (2001). The bill, if passed, would include

attorneys and bankers as mandated reporters of abuse, neglect and financial exploitation. A mandated reporter is someone who is required by law to report suspicions of abuse to their local state agency. Mandated reporters who fail to do so are reported for professional misconduct and are also subject to criminal penalties.

The bill would also amend the Criminal Code of 1961 and the Code of Criminal Procedure of 1963 by changing the elements of and penalties for the offenses of abuse and neglect to the elderly. Further, the bill would allow victims of elder abuse to testify via evidence deposition rather than appear in court, which would allow the out-of-court testimony to be admitted into evidence.

Many proponents of the prevention of elder abuse are optimistic that change is on the way. In situations where elderly victims have nowhere to turn, services provided by IDA will go a long way in helping individuals in trouble. The increased legislation and police involvement will not only allow for more accurate reports being filed, but will also increase education and training to those in a position to help prevent elder abuse from increasing. While there is definitely a positive change being made in Illinois and its communities, one major problem remains: there are thousands of elderly victims who do not come forward at all. Their silence is another issue that must be addressed if there is to be any type of substantial decrease in the incidence of elder abuse in Illinois and elsewhere.