



15 Minutes

08 Resources and Interventions

Before proceeding with interventions and providing resources, determine whether or not the dependent adult wants the service(s) and whether or not the person is of sound mind to give consent. Remember, your role is to provide options not to change anybody's lifestyle or personality. Prepare for imperfect solutions, knowing that they are the best you can achieve and certainly better than the alternative. In all cases, be sure to follow the protocols (if any) established by your organization when developing a response to dependent adult abuse.



Determining Possible Interventions

1. Determining Possible Interventions

A. Dependent adult accepts services.

- Implement a safety plan such as relocation, a protective order, or admission to a hospital.
- Alleviate causes of mistreatment through “voluntary services.”
- Provide written information on emergency numbers and make appropriate referrals.
- Get assistance in legal/financial matters.
- If the report is founded, the county attorney may bring criminal charges against the perpetrator.

B. Dependent adult lacks capacity to give consent.

- Power of attorney. There must be a pre-existing power of attorney; once a person lacks capacity, they cannot sign such an agreement
- Conservatorship
- Guardianship
- Involuntary commitment of abuser or victim
- Special court order—injunctions, restraining orders

- Family member/guardian/case worker may want to consider social services, legal, or financial management assistance for the dependent adult
- If the report is founded, the perpetrator may be prosecuted

C. Dependent adult does not accept services

- Provide written information on emergency numbers and make appropriate referrals
- Develop contingency safety plan
- If there is immediate danger, consider involuntary relocation of the victim or perpetrator, or protective order, or commitment
- DO NOT enforce your decision without first taking the proper legal steps
- If the report is founded, the perpetrator may be prosecuted.

Suggestions for Effective Post-Trauma Responses

The following responses are designed to aid the victim in coping with abuse or neglect.

- Assess the victim's psychological response to the abuse/neglect and his or her ability to cope with the situation.
- Tell the victim about services immediately available, such as hotlines, protective services, police, and legal actions.
- Encourage the dependent adult to make decisions him/herself. Maintain a non-judgmental attitude.
- Depending on the type of abuse, counseling may be provided through a geriatric program, a rape counseling program, a domestic violence center, or an adult abuse program.
- Inform the person about appropriate advocacy groups, such as legal services programs, protection and advocacy programs, the local area agencies on aging, or other relevant programs.



2. Interventions Available for Dependent Adults

Interventions Available for Dependent Adults



Legal Interventions

A. Legal Interventions

1. Conservatorship (Iowa Code §633.551, 633.566)

- A person assumes responsibility for custody and control of the property or finances of the ward. The determination that an adult needs a conservator is made if the proposed ward's decision-making process is so impaired that the person is unable to make, communicate, or carry out important decisions concerning the person's financial affairs.
- Appointment of a conservator does not establish the ward to be of unsound mind. No one has the right to manage the property of an adult without their consent, unless they are a *conservator*.
- A *conservator* has these general powers on behalf of the ward.
 - Payment/receipt of property/income
 - Sale or transfer of personal property
 - With a court order, a conservator may invest the ward's funds and sell, lease, or mortgage real estate

2. Guardianship (Iowa Code §633.551 and 633.552)

Types: Limited, temporary, standby or general (plenary)

- A guardian is an individual appointed by the court to make personal and health care decisions for a person (ward) who is incapacitated. The appointment of a guardian does not constitute a decision that the ward is of unsound mind.
- To file a petition, the proposed ward's decision-making capacity must be so impaired that the person is unable to care for their personal safety or to attend to or provide for necessities for the person such as food, shelter, clothing, or

medical care, without which physical injury or illness may occur.

- With court approval, guardians may:
- Change the ward's residence
- Arrange for major medical procedures
- Consent to withhold or withdraw life-sustaining procedures

3. **Power of Attorney.** A written document by which one person (the principal) gives to another person (the attorney in fact) the authority to act on the first person's behalf in one or more matters. There are several types:

- General Powers - Financial
- Limited Powers or Temporary
- Durable
- Health Care

The person giving the power to another must be able to understand what they are entering into.

4. **Protective, Restraining, and Injunctive Orders.** (Iowa Code 235B.18 & 19) These are intended to protect the abuse victim from physical harm and to prevent further abuses. These orders may evict the perpetrator from the victim's home, bar the perpetrator from contact with the victim, require the perpetrator to provide an accounting of the victim's assets, prevent the perpetrator from transferring the victim's property, or prohibit any violation under the dependent adult abuse statute. When victims lack decision-making capacity or are in an emergency situation, they may also receive help from an adult protective services program.

5. **Substance Abuse or Mental Health Commitment.** (Iowa Code §125, Chemical Substance Abuse; Iowa Code §222, Persons with Mental Retardation; Iowa Code §229, Hospitalization of Persons with Mental Illness) Both perpetrators of dependent adult abuse

and victims of self-neglect may be involuntarily committed to a facility or hospital. The county attorney and/or any interested person may file an application with the court to commit a chronic substance abuser or seriously mentally impaired person.

6. **Long-Term Care Ombudsman Office (866-236-1430).** The Long-Term Care Ombudsman serves as an advocate for the residents of long-term care facilities or assisted living programs. The Ombudsman is charged with the duty of investigation and resolving complaints in long-term care facilities that may adversely affect the health, safety, welfare, or rights of residents.
7. **LifeLong Links Elder Rights Specialists (866-468-7887).** Focus on the prevention, intervention, detection and reporting of elder abuse, neglect and exploitation by presenting elders with options to enhance their lifestyle choices. Objectives include increasing public awareness; Responding to concerns of elders at risk of, or experiencing, abuse, neglect or exploitation; Collaborate and be a resource for case managers, physicians, law enforcement, county attorneys, DHS, domestic violence agencies and long term care facilities.
8. **Office of Substitute Decision Maker (800-532-3213).** Assists individuals in finding alternatives to substitute decision-making services and less intrusive means of assistance before an individual's independence or rights are limited. It also provides assistance to both public and private substitute decision makers throughout the state in securing necessary services for their wards, principals, clients, and decedents.
9. **Voluntary Services.** May be offered regardless of whether or not a report is founded. Voluntary services are social services needed to protect the dependent adult or assist the adult toward independence. Persons with capacity to consent have the right to refuse such services.

Examples

- Homemaker service
- Personal care assistance
- Adult day care
- Transportation
- Legal assistance (restraining orders, restitution)
- Financial management assistance (bill paying, insurance counseling, representative payee)
- Admission to hospital
- Assistance with applying for Medicare or Medicaid



Other Remedies

B. **Other Remedies** (Briefly summarize and refer participants to handbook for further details)

1. **Direct Deposit**

2. **Representative Payee.** The Representative Payee Program is available in several Iowa counties. The program provides a financial protective service to assist older or disabled low-income persons unable to manage their bills and other financial obligations.

To be eligible, individuals must receive a government benefit check such as Social Security, Veterans, or Railroad Retirement. If a family member or friend is willing and able to serve as a payee, they should contact the Social Security, Veterans or Railroad Retirement offices to apply.

3. **Civil Actions.** Charges may include conversion, replevin (Iowa Code §643), or breach of contract. For example, recovering property or damages. Under Iowa Code §714.16A, a fund is established to give additional civil penalties to an individual who commits consumer fraud against the elderly



Resources & Referrals

3. Resources & Referrals

Abuse

- Law Enforcement (life threatening or possible crime): 911
- Suspect Dependent Adult Abuse –
 - Facility: DIA @ 877-686-0027
 - Community: DHS @ 800-362-2178

And if in the community call

- LifeLong Links Elder Rights Specialists: 866-468-7887
- Iowa Domestic Abuse Hotline: 800-942-0333
- Iowa Sexual Abuse Hotline: 800-284-7821

Assistance

- Crime Victim Assistance Program: 515-281-5044 or 800-373-5044
- Disability Rights Iowa: 800-779-2502
- Legal Hotline for Older Iowans (civil issues): 800-992-8161
- LifeLong Links Elder Rights Specialists 866-468-7887
- Senior Health Insurance Information Program: 800-351-4664
- State Long-term Care Ombudsman's Office: 866-236-1430
- Social Security Administration: 800-772-1213
- Veteran's Benefits: 800-827-1000

Fraud

- Consumer Fraud:
 - Attorney General's Office, Consumer Protection Division:
515-281-5926
- Medicaid Fraud Control Unit: 515-281-5717 or 515-281-7086
- Medicare Fraud Hotline: 800-447-8477
- Investment Fraud Prevention and Investigations:
 - Iowa Insurance Division: 877-955-1212