

SECTION 10

Abuse, Neglect and Exploitation

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Abuse, Neglect and Exploitation

Most of the time the person who has been abused or neglected knows the person who did it (Duehn, 1990). Many women with disabilities, between 70% and 80% of all women with disabilities, will experience sexual abuse (rape or harassment) or domestic violence (being abused or neglected by a family member) in their lifetimes. Most of the time, the abuse comes from someone the person knows, such as family members or personal assistants (Duehn, 1990). Adults with a developmental disability are one and one-half times more likely to be abused than adults without a developmental disability (Sobsey, 1994).

No one likes to think about abuse and neglect, but the facts tell us they do happen. Abusive, neglectful, and exploitive behaviors are not acceptable and are against the law (Adult Protective Services Statute, H.B. 2185, effective July 1, 1998). Knowing what it means to be abused, neglected or exploited can help keep you from being a victim.

Defining Abuse, Neglect and Exploitation

Let's start by describing abuse, neglect and exploitation.

Abuse is an act of aggression by one person intended to inflict harm on another person. Abuse can be when one person tries to or does hurt or harm another person on purpose.

Neglect is an act of omission by one person that results in harm to another person. Neglect can be when one person doesn't give a person with a disability the kind of support they have promised and the person with a disability is hurt or gets sick because of this.

Exploitation is when one person uses another person for one's own gain. We say that exploitation happens when one person takes advantage of another person.

There are several kinds of abuse including physical, sexual, emotional and verbal (also called psychological) abuse.

- Physical abuse means any action that causes a person to have physical pain or injury and includes but is not limited to being hit, pushed, pinched, bitten, slapped or kicked.
For example, you fall down. Jo wants you to get up and kicks you to make you hurry. When Jo kicks you, she has physically abused you. This is wrong behavior. You have the right to not be physically abused.
- Sexual abuse includes but is not limited to rape; any unwanted sexual contact that is forced, tricked, threatened, or otherwise coerced upon another person and includes sexual harassment.
For example, you wake up and Jim is touching your breast. Jim has no right to touch your private areas without your permission. You were asleep and did not give your permission. Jim's behavior is wrong. You have the right to not be sexually abused.
- Emotional and verbal abuse includes but is not limited to name calling, intimidation, yelling and swearing. Emotional and verbal abuse may also be called psychological abuse and includes ridicule, harassment, coercion, threats or denial of civil rights, which result in emotional injury.
For example, you forget to take your purse with you when you go to the bank. Your id card is in your purse. You need your id card to cash your check. Jax says you're stupid to forget your purse. Jax's behavior is wrong. You have the right not to be emotionally or verbally abused.

Neglect includes, but is not limited to, the following:

- Neglect is defined as the lack of attention and due care. Neglect is the failure (whether intentional, careless or due to inadequate experience, training or skill) to provide basic care or services when agreed to by legal, contractual or otherwise assumed responsibility. Your PA failing to show up for work is neglectful behavior. Failure to

provide the appropriate care, water, food or medication is neglectful behavior.

For example, one of the job tasks your PA agreed to do is remind you to take your medication on time. If your PA does not remind you, you might miss a dose and become ill. This is neglectful behavior by your PA.

- Self-neglect – one's inability to understand the consequences of his/her actions or inaction which leads or may lead to harm or endangerment to him or herself or other persons.

For example, self-neglect might be if you go outside in very cold weather without a coat. If you stay out for a long time, you could become too cold and get sick. This might be self-neglect.

- Abandonment – the desertion or willful forsaking of an elderly person or the withdrawal or neglect of duties and obligations owed a dependent adult by a caretaker or other person.

For example, if your PA just stops coming to work and you are unable to use the telephone to call for help, this may be considered abandonment.

Financial exploitation:

- Financial exploitation – the illegal or improper use of another person's resources for personal profit or gain. Your PA cannot use your resources without your permission, including food, money, long distance phone calls, etc.

For example, Jess, your PA, comes to work at 5 p.m. to help you prepare your dinner. Jess always complains how hungry he is. You share your food and run out of food before payday. Jess is wrong to eat your food because he is causing you to run out of food.

Keeping Yourself Safe

It is your right to be free from abuse, neglect and exploitation. It is also your responsibility to protect yourself at all times. There are many things you can do to help protect yourself. Start with the hiring process:

- Check the person's employment and personal references. Sometimes you may think that you know the person or the person seems like a nice person so you don't need to check the employment and personal references. You can better protect yourself if you take the reference check seriously. It's a good idea to call each of the people listed as references.
- Tell applicants that a criminal background check will be done. The report will tell you if the person has a history of abuse or neglect that has been filed with local or state officials. Your payroll agent will do the background check. Sometimes just telling an applicant that a criminal background check will be done lets them know this is not the job for them.
- Let all your PAs know that you will not tolerate abuse or neglect and if something should occur you would file charges with the police.
- Make sure your PA knows you are not isolated; you have a family and friends with whom you talk to often.
- Insist on being treated with dignity and respect.
- When a problem comes up between you and your PA, try to find a way to solve the problem right then. Don't let little problems become big problems.
- Do not minimize any situation you feel as threatening. If you feel uncomfortable or threatened in any situation, tell other people how you feel.
- Do not think the situation will go away by itself. Don't put off telling other people about a situation that is worrying you. Telling someone else can help you find a way to make the situation better.

- If you feel afraid or intimidated by your PA, tell someone else at once. You may choose to have someone with you when you fire the PA.

You have the right to be protected from abuse. If you feel that you have been abused, neglected or exploited, contact your local SRS (Social and Rehabilitation Services) office or call this Kansas Protection Report Center in-state, toll-free number immediately:

1-800-922-5330

Every call is taken seriously.

Telephone lines are staffed 24 hours a day. There is someone to take your phone call at any time, day or night.

In the event of an emergency, contact your local law enforcement or call the police at 911.

SRS Investigation of Adult Abuse

The following is from the Kansas Department of Social and Rehabilitation Services website
(http://www.srskansas.org/KEESM/KEESM05_01_05/keesm12000.htm).

This is what the law says about what must be done if a person reports that they have been the victim of abuse, neglect or exploitation.

5. **K.S.A. 39-1430, 1431, 1432, 1433, 1436, 1437 and 1443** - Was revised by the Legislature effective July 1, 2003. Major revisions include expanding both mandated reporters and the definitions and the following:
 - a. **Investigation of Adult Abuse** - The state department of Social and Rehabilitation Services and law enforcement officers shall have the duty to receive and investigate reports of adult abuse, neglect, exploitation or fiduciary abuse for the purpose of determining whether the report is valid and whether action is

required to protect the adult from further abuse or neglect. If the department and such officers determine that no action is necessary to protect the adult but that a criminal prosecution should be considered, the department and such law enforcement officers shall make a report of the case to the appropriate law enforcement agency. K.S.A. 39 -1443.

b. **Joint Investigation** - When a report of adult neglect, adult abuse, exploitation or fiduciary abuse indicates:

- i. that there is serious physical injury to or serious deterioration or sexual abuse or exploitation of the adult; and
- ii. that action may be required to protect the adult, the investigation may be conducted as a joint effort between the Department of Social and Rehabilitation and the appropriate law enforcement agency or agencies, with a free exchange of information between such agencies. Upon completion of the investigation by the law enforcement agency, a full report shall be provided to the Department of Social and Rehabilitation Services. K.S.A. 39 -1443.

c. **Coordination of Investigations by County or District Attorney** - If a dispute develops between agencies investigating a reported case of adult abuse, neglect, exploitation or fiduciary abuse, the appropriate county or district attorney shall take charge of, direct and coordinate the investigation. K.S.A. 39 -1443.

d. **Cooperation Between Agencies** - Law enforcement agencies and the Department of Social and Rehabilitation Services shall assist each other in taking action which is necessary to protect the adult regardless of which party conducted the initial investigation. K.S.A. 39 -1443.

Section 10 Checklist

Section 10 – Abuse, Neglect and Exploitation Checklist	
Check here	
	I understand the terms abuse, neglect and exploitation.
	I read the definitions of all the kinds of abuse that may happen.
	I read the list of things I can do to help keep me safe.
	I know that if I feel afraid or intimidated by my PA or other people, to tell someone else immediately.
	I have made a note of the toll-free hotline phone number and I know where it is.
	I looked over the process of investigating a report of abuse.
	I have enough information to understand how to keep myself safe from abuse, neglect and exploitation.

