

## Our Pledge to Protect Vulnerable Adults

By Judge Kate Huffman

**Editor's Note:** The VIRTUS Programs began over twenty years ago to establish a program to safeguard children and the vulnerable from sexual abuse. In 2002, the United States Conference of Catholic Bishops adopted the *Charter for the Protection of Children and Young People (Charter)*, which remains the guiding document for all dioceses within the U.S. today. While the *Charter* gives dioceses a baseline on how to address protecting the vulnerable within ministry, it is part of our mission as caring adults to protect all of the vulnerable. This article provides ways that caring adults may provide care and protection for the vulnerable in any environment.

### Article:

It is our responsibility as caring adults to protect all of the vulnerable from abuse and other harm—which includes protecting children and vulnerable adults. The subject is complex, but, much of what we know about the abuse of children can also apply to the abuse of vulnerable adults. This also helps us know how to prevent it and respond appropriately if it occurs.

### Who is considered a vulnerable adult?

Pope Francis recently defined the phrase of “vulnerable adults” as those who are “in an infirm state, of physical or mental deficiency, or deprivation of personal freedom,” the condition of which, whether consistently or occasionally, “limits their ability to understand or to want or otherwise resist” offenses against them.<sup>1</sup> The *Charter for the Protection of Children and Young People (Charter)*<sup>2</sup> details the commitment of the Catholic Church in the United States to safeguard minors from sexual abuse, and also has given a brief definition of a vulnerable adult: as persons who “habitually lack the use of reason,” although this definition is limited and does not fully encompass the complex vulnerabilities experienced by adults.

Many dioceses have gone beyond that definition in implementing safe environment policies. Whether you are an employee or a volunteer in a ministry not involving vulnerable adults, there may still be a policy that requires your attention and action involving protecting vulnerable adults, just as it does with children. Some dioceses utilize the definition of a vulnerable adult provided in the jurisdiction’s civil law,<sup>3</sup> while

<sup>1</sup> Pope Francis issues new interpretation of the term in *Motu Proprio*. 2019. May be accessed online at: [http://www.vatican.va/content/francesco/en/motu proprio/documents/papa-francesco-motu-proprio-20190507\\_vos-estis-lux-mundi.html](http://www.vatican.va/content/francesco/en/motu proprio/documents/papa-francesco-motu-proprio-20190507_vos-estis-lux-mundi.html)

<sup>2</sup> The *Charter for the Protection of Children and Young People*. <https://www.usccb.org/offices/child-and-youth-protection/charter-protection-children-and-young-people>

<sup>3</sup> The definition of a vulnerable adult should not be confused with “elder abuse,” as maltreatment of individuals over the age of 60 refers to acts whereby a trusted person, including caregivers, causes or creates risk of harm to an older adult. See J. Hall, D.L. Larch, and A. Crosby, *Elder Abuse Surveillance: Uniform Definitions and Recommended Core Data Elements for Use in Elder Abuse Surveillance, Version 1.0*, Atlanta, Ga: Centers for Disease Control and Prevention, 2016.

others formulate broad and inclusive interpretations of the term and provisions for their policies.

While some elderly people may be considered vulnerable adults, the reality is much broader and more inclusive. Consider, for example, Peter, age 34, who obtained an advanced college degree and works full-time. Born with cerebral palsy, Peter struggles with his mobility, and could not defend or protect himself against many forms of physical harm. Although Peter is young and easily cares for his own financial, daily living and other needs, he does have a physical vulnerability that warrants additional protections.

### Risk of abuse

A staggering number of adult U.S. residents experience a disability or age-related concern that can create the potential for abuse. One in four Americans (61 million) experience a disability affecting one or more major life activities. As of 2019, more than 54 million U.S. residents were aged 65 or older. The risk of abuse rises among vulnerable adults, as compared to the general population. Elderly individuals living in care facilities are at an increased risk of sexual abuse, although, similar to child sexual abuse, victimization increases significantly among persons with disabilities, particularly developmental challenges and intellectual impairments.<sup>4</sup>

The elevated risk of abuse among the vulnerable adult population likely stems from dependence on others for personal care, a potential inability to communicate with others and the imbalance of power existing between the caregiver and their client.<sup>5</sup> Offenders who mistreat adults—whether through sexual or physical abuse, or financial exploitation—engage in grooming behavior designed to develop the trust and access necessary for the opportunity to abuse. As with children, sexual victimization remains significantly underreported in the elderly and disabled populations.<sup>6</sup> Sexual abuse of vulnerable adults represents only about 1% of maltreatment reported and substantiated in the United States.<sup>7</sup>

Abuse of the vulnerable encompasses a complex and multidimensional concern. The vulnerabilities experienced—and the variety of abuse—complicate the recognition and prevention of misconduct. A trusting relationship between the perpetrator and the victim presents an opportunistic factor contributing to abuse. In fact, the victim is known to the abuser in some type of pre-existing non-romantic relationship in 87% of incidents

<sup>4</sup> D. Sobsey and T. Doe, *Patterns of Sexual Abuse and Assault*, 9 Sex Disabil. 243 (1991).

<sup>5</sup> See Leila B. Cooke and Valerie Sinason, *Abuse of People with Learning Disabilities and Other Vulnerable Adults*, 4 J. Cont. Prof. Dev. 119 (1998).

<sup>6</sup> See Diana C. Schneider, M.D. and Xian Li, M.D., *Sexual Abuse of Vulnerable Adults: The Medical Director's Response*, J. Amer. Med. Dir. Assoc. 442 (Sept. 2006).

<sup>7</sup> P.B. Teaster, et al., *A Response to the Abuse of Vulnerable Adults: The 2000 Survey of State Adult Protective A Services*. Washington, D.C., National Center on Elder Abuse (2003).

involving individuals with learning disabilities. A recent study found that 99% of elderly Americans are at risk of financial abuse and scams.<sup>8</sup>

### **Acts of abuse toward the vulnerable**

The potential forms of abuse experienced by adults, in many respects, mirrors that suffered by children. Synthesized to its most basic element, the opportunity to abuse generally emanates from what begins, for the victim—adult or child—as a trusting or dependent relationship. Irrespective of a particular or specific vulnerability, children and adults alike are victims of abuse by way of emotional or psychological maltreatment, neglect and sexual abuse, and physical violence. Abuse may occur in a domestic setting, including in the adult’s home, in an institutional setting, such as a care facility, in the community, or through technology.

Any form of hitting, pushing, shaking, choking, or burning, as well as physical restraint, constitutes physical abuse. Emotional or psychological abuse includes insults, threats, intimidation, and humiliation of any form, as well as isolation from family, friends, loved ones and activities. Neglect manifests in the failure to provide for basic needs, including nutrition, shelter, and medical care. Abuse may also involve self-neglect, particularly where caregivers fail to encourage or support appropriate self-care.

Sexual abuse encompasses any unwanted or non-consensual touching, exploitation, and the myriad of electronic forms of abuse, such as sexting, the use, creation or sharing of sexually explicit and/or violent images, and any communication intended to solicit sexual activity.

Unlike children, adults may experience financial abuse by loved ones, trusted acquaintances, and caregivers. This may include some element of fear utilized to gain access to the adult’s assets. Financial exploitation typically involves the development or manipulation of the adult’s trust in order to obtain access to bank accounts, jewelry and other valuable assets. Financial exploitation can also involve the encouragement and/or direction to change documents, including wills, bank account ownership, or to transfer funds for “safekeeping.” Schemes to defraud often target the elderly, relying on a position of trust, usually pretending to be a government or law-enforcement official to extract money.

### **Recognizing signs of abuse in vulnerable adults**

Financial abuse directed toward vulnerable adults may manifest in sudden or unexplained changes in behavior, a recently introduced acquaintance who has acquired a trusting relationship with the vulnerable adult, isolation from family or friends, or an

<sup>8</sup> Elizabeth A. Richards, *Stop the Silence of Elder Abuse*, Am. Nurse Today (Aug. 2011), <http://www.americannursetoday.com/article.aspx?id=8112>; see also Taylor Lemick, *Society's Response to the "Invisible" Abuse of Elders: Understanding and Addressing the Financial Abuse of Society's Most Vulnerable Citizens*, 23 Elder L.J. 151 (2015).

unexpected alteration to the adult's lifestyle or finances. Additional red flags include large and unexplained withdrawals from bank accounts, or a seeming inability to provide for basic financial obligations, particularly when the adult previously could meet those needs. Moreover, missing valuables, such as electronic devices and jewelry, should be a warning sign requiring further inquiry.

Physical signs of maltreatment may be obvious—such as bruises, cuts, burns and broken bones, but other signs of abuse can be more subtle. Although research demonstrates that sexual abuse among vulnerable adults represents a less frequent form of maltreatment than physical or financial abuse, this still occurs. Warning signs of sexual exploitation include behavior changes such as withdrawal or confusion, fear of a certain individual, bruising in erogenous areas, incontinence, and unexplained genital or other sexually transmitted infections. Watch for the tell-tale signs of neglect of a vulnerable adult, including dehydration or malnutrition, missing or unused medications, and cleanliness concerns, whether personal hygiene or the adult's living environment.

### Taking action

We all have an obligation to protect the vulnerable. Similar to how we protect children, if you see any sign of abuse in a vulnerable adult, you must communicate your concerns to the appropriate authorities.

Possible signs of abuse:

- Changes in behavior
- Changes to weight or overall health
- Bruising, abrasions, broken bones and other physical injuries
- Unexplained change in financial circumstances or assets
- Modifications in personal hygiene
- Recent anxiety, anger, depression and confusion
- Fear or avoidance of specific persons
- Isolation from family or loved ones

Absolute certainty that abuse has occurred is rare; if you observe any signs of maltreatment or have concerns about the welfare of a vulnerable adult, err on the side of caution and report the suspected abuse. Immediately contact your local Adult Protective Services Agency (<https://www.napsa-now.org/get-help/help-in-your-area/>) to report your suspicion of abuse, or reach out to a local law enforcement agency. As with any suspected abuse, waiting to be absolutely certain that maltreatment has occurred may place the vulnerable in further jeopardy.