

THE NEED FOR A STRONGER DEFINITION: RECOGNIZING ABANDONMENT AS A FORM OF ELDER ABUSE ACROSS THE UNITED STATES

Stephanie M. Rzeszut

Elder abuse is a growing public health problem in the United States and statistics show that each year, hundreds of thousands of elders are abused in some manner. This Note discusses elder abuse while focusing specifically on the occurrence of elder abandonment and how the majority of states do not recognize elder abandonment as a form of elder abuse in their statutes. Moreover, this Note proposes a model statute to be adopted by every state in an effort for elder abandonment to become more widely reported. Elder abandonment is an unfortunate phenomenon and those who contribute to elder abandonment should face criminal liability similar to those abusers who engage in elder neglect or other types of elder abuse. Furthermore, this Note emphasizes that there should be a greater focus on how caregivers can seek assistance in order to prevent elder abuse in the United States.

Key Points for the Family Court Community:

- Elder abuse is a large and growing problem in the United States and, given their extreme vulnerability, the elderly are prime targets for abuse.
- Elder abandonment refers to the desertion of an elderly person by an individual who has assumed responsibility for providing care for an elder or by a person with physical custody of an elder.
- Elder abandonment should be included in every state's elder abuse statute.
- Elder abandonment is a different form of abuse from elder neglect in that abusers who perform elder abandonment are attempting to rid themselves of responsibility for an elder by deserting them, while elder neglect is withholding of essential services to an elder.
- Caregivers who abandon their elders should face criminal or civil liability depending on the level of intent and potential of bodily harm, or death, to the elder.

Keywords: *Adult Protective Services; Caregiver; Domestic Abuse; Elder Abandonment; Elder Abuse; Elder Neglect; and Granny Dumping.*

I. INTRODUCTION

Susan¹ is a 78-year-old elderly woman who is suffering from dementia, among various other health issues. Her husband died many years ago and she has two adult children. One of Susan's children, Mary, is a successful lawyer who lives in California with her husband and three children. Mary rarely comes to visit her mother in New York. Susan's only other child, Jo-Ann, is a teacher and lives in New York with her husband and their two teenage children. Jo-Ann's elderly mother needs constant care and attention. Jo-Ann is forced to be her mother's caregiver all on her own. Jo-Ann is severely overwhelmed and exhausted from taking care of her elderly mother and every day it gets harder as her finances begin to deplete.

One day, Jo-Ann becomes so frustrated and overwhelmed that she decides enough is enough. She drives to a hospital a few miles away and abandons her elderly mother in the emergency room without any identification or any way to contact Jo-Ann or other members of their family. She decides the hospital is better equipped to care for her mother than she. The action of Jo-Ann deserting her elderly mother at the hospital is known as elder abandonment, a form of elder abuse.²

A. ELDER ABUSE IN THE UNITED STATES

The Administration on Aging defines elder abuse as “any knowing, intentional, or negligent act by a caregiver or any other person that causes harm or a serious risk of harm to a vulnerable adult.”³ Elder abuse can take many forms including physical abuse, sexual abuse, emotional abuse, and neglect.⁴ According to the National Association of Area Agencies on Aging and the Centers for Disease Control and Prevention, elder abuse is considered a major public health problem in the United States.⁵ Unfortunately, given their large population and vulnerability, the elderly are prime targets for abuse in the United States.⁶ Statistics show that elders who experience abuse have a 300% higher risk of death when compared to those elders who have not been abused.⁷

Abuse of an elder is especially malicious because, in most cases, the elder is usually dependent on the care or housing of the very person who is abusing them, often being the caregiver.⁸ Because caregivers are typically family members, the majority of people who are guilty of elder abuse are the elder’s own children.⁹ The fact that family members are usually the ones who perform elder abuse supports the widely held belief across the United States that elder abuse is underreported.¹⁰ As the Elder Justice Coalition notes, one of the reasons that elder abuse is so prevalent is due to the fact that it is a “silent epidemic.”¹¹ Many people do not recognize the signs of elder abuse and frequently the victims of elder abuse cannot speak up or are afraid to speak up.¹² Moreover, there is no way to predict who will become an abuser of an elder in that they can be men or women of any age, race, or social status.¹³

B. INTRODUCTION TO THE PROBLEM

Each state defines elder abuse in its own unique way and thus definitions of elder abuse vary from state to state.¹⁴ The problem with many states’ elder abuse statutes is that the majority of them do not include elder abandonment as a form of elder abuse or instead categorize elder abandonment as a form of elder neglect.¹⁵ Because elder abandonment is sometimes used interchangeably with elder neglect, elder abandonment is rarely reported, and thus statistics for elder abandonment are hard to come by.¹⁶ If elder abandonment was added to every state’s statute, it would increase awareness across the United States in that more cases will be brought to the attention of law enforcement or Adult Protective Services (APS) as solely a case of elder abandonment instead of elder neglect.

This Note proposes that each state include elder abandonment as a form of elder abuse in its statutes so it will become widely recognized as a form of elder abuse across the United States. Part II of this Note discusses the nature of elder abandonment and why it should be recognized as a different form of abuse from elder neglect in each state. It also defines who is considered a caregiver, which is an important definition in the context of elder abuse and elder care by distinguishing those who are legally responsible for an elder. Part III of this Note discusses how many states do not recognize abandonment as a form of elder abuse and why each state should. It also discusses how some states use the terms elder neglect and elder abandonment interchangeably in their statutes and as a result many elder abandonment incidents are inaccurately reported as elder neglect. Moreover, this Note discusses the current criminal liability for individuals found guilty of elder abuse and how those who perform elder abandonment should be similarly prosecuted. Part IV proposes a model statute that should be adopted by each state for elder abandonment. Additionally, this Note discusses how those who are caring for elders can receive support when they become overwhelmed with caring for an elder and discuss that elder abandonment should never be an option for a caregiver.

II. ELDER ABANDONMENT

A. WHAT IS ELDER ABANDONMENT?

There are several definitions of elder abandonment.¹⁷ According to the National Center on Elder Abuse, elder abandonment is defined as “the desertion of an elderly person by an individual who has

assumed responsibility for providing care for an elder, or by a person with physical custody of an elder.”¹⁸ Similarly, The Centers for Disease Control and Prevention defines elder abandonment as “the willful desertion of an elderly person by a caregiver or other responsible person.”¹⁹ Another definition for elder abandonment is “the purposeful and permanent desertion of an elderly person.”²⁰ Simply put, elder abandonment occurs when a caregiver decides to completely desert himself/herself of the responsibility of caring for the elder by purposely leaving them in a public place.²¹

There are various reasons a caregiver may choose to abandon an elder.²² A main reason is that the abandoning caregiver feels extremely overburdened in caring for the elder or believes s/he lacks the financial resources to continue to care for the elder.²³ Other caregiver issues that can lead to elder abandonment and abuse may also include excessive stress on the caregiver due to his/her overwhelming responsibilities that have resulted in chronic fatigue.²⁴ Substance abuse may become a large factor in elder abuse situations including drug and alcohol addiction by a caregiver.²⁵ Psychological disorders, such as depression and bipolar disorder, in caregivers may also have an influence in causing them to partake in elder abuse.²⁶ Moreover, stress and anxiety from limited finances and resources as a result of caring for the elder can put the caregiver in an unbearable situation that the caregiver feels they can no longer handle and, as a result, elder abandonment or elder abuse may occur.²⁷

B. WARNING SIGNS OF ELDER ABANDONMENT

Elder abandonment can take many forms.²⁸ Elder abandonment may occur when a family member gives a wrong residential address to the hospital upon admission of the elder, thereby making it impossible for the hospital to contact the caregiver or the family to discuss the medical and health issues of the elder.²⁹ Another instance of elder abandonment includes when a caregiver completely deserts an elder at a hospital, a nursing home, or other similar establishment.³⁰ A caregiver may even perform elder abandonment by going as far as deserting an elder at a shopping center, park, or other public place.³¹ An elder, if they are able, may also make their own report of being abandoned by their caregiver.³²

Doctors and nurses at hospitals in the United States have coined a name for the phenomenon of elder abandonment known as “granny dumping.”³³ A typical case involving granny dumping will take place when a doctor or nurse finds an abandoned elder in the middle of the emergency room in a hospital with a sign pinned to the elder stating, “I’m sick, please take care of me.”³⁴ In a typical case of granny dumping, the elder may be suffering from some sort of dementia and has no idea who they are.³⁵ This unfortunately leaves the hospital with no one to call and no way to figure out the identity of the caregiver.³⁶

C. ELDER ABANDONMENT VERSUS ELDER NEGLECT

In addition to the fact that most states do not include elder abandonment as a form of elder abuse, some states define elder abandonment as a form of elder neglect when, in reality, elder abandonment and elder neglect are two different forms of abuse.³⁷ Thus, in those states, a case of elder abandonment will likely be reported as elder neglect instead of elder abandonment.

Elder abandonment is considered a different form of abuse from elder neglect in several ways. The National Center on Elder Abuse defines elder neglect as “the failure or refusal to fulfill one’s duties or obligations to an elder.”³⁸ Similarly, the American Psychological Association defines elder neglect as “withholding appropriate attention from the elder or intentionally failing to meet the physical, social or emotional needs of an elder.”³⁹ In other words, elder neglect is when a caregiver purposely withholds the responsibilities they are supposed to engage in when caring for an elder.

Similar to elder abandonment, elder neglect can take many forms.⁴⁰ Examples of elder neglect include dehydration and malnutrition of the elder as a result of the caregiver not providing adequate food and water.⁴¹ Another example of elder neglect is when a caregiver leaves the elder in their bed

for a long period of time, causing bed sores to develop on the elder's body.⁴² The caregiver may also neglect the elder by refusing to bathe them, which results in poor personal hygiene and hygiene issues in the elder.⁴³ The caregiver may neglect the elder in refusing to take the elder to the hospital or the doctor, which may result in unattended or untreated health problems in the elder.⁴⁴ The caregiver may leave the elder without heat, air conditioning, or running water, which leads to hazardous or unsafe living conditions or arrangements.⁴⁵ The caregiver may also refuse to help the elder clean their home, which results in unsanitary or unclean living conditions for the elder.⁴⁶

The main difference between elder abandonment and elder neglect is that when an abuser performs elder abandonment, they are attempting to completely rid themselves of responsibility of the elder.⁴⁷ Conversely, abusers who perform elder neglect are withholding of certain duties to the elder instead of trying to completely desert the elder.⁴⁸ It is important that each state recognizes elder abandonment and elder neglect as two different forms of abuse so that elder abandonment will be more widely recognized as a form of elder abuse and therefore become more commonly reported in America.

D. WHO IS A CAREGIVER IN THE CONTEXT OF ELDER ABUSE AND ELDER CARE?

Statistics show that nearly thirty percent of the adult population in the United States is providing care for a member of the elderly community.⁴⁹ As the elderly population in the United States increases, more and more adult children are becoming the caregivers for their aging parents.⁵⁰ Moreover, statistics in the United States show that family and friends are usually the ones to become caregivers for the elderly and therefore become the ones responsible to provide the majority of long-term care for the elderly population.⁵¹ In dealing with a case of elder abandonment, or any form of elder abuse, it is important to assess who is legally the elders' caregiver so that the correct person will be found liable for abusing or abandoning the elder.

E. DEFINING THE TERM CAREGIVER

There are several definitions that can be found for a caregiver across the United States. According to the Elder Justice Act of 2009, a caregiver is defined as: "an individual who has the responsibility for the care of an elder, either voluntarily, by contract, by receipt of payment for care, or as a result of the operation of law . . ."⁵²

Each state defines who a caregiver is in the context of elder abuse and the definition of a caregiver will usually include individuals who are responsible for the care of the elder because of a family relationship.⁵³ In other situations, individuals may have voluntarily assumed the role of being a caregiver for the elder out of friendship, or some individuals may have contracted for this responsibility and are being paid to provide care for the elder such as nurses or aides who usually provide in-home care.⁵⁴ Moreover, some individuals may have been appointed by the court as a caregiver to provide care for the elder.⁵⁵

The state of Connecticut defines a caregiver as "a person who has the responsibility for the care of an elderly person as a result of a family relationship or who has assumed the responsibility for the care of the elderly person voluntarily, by contract or by order of a court of competent jurisdiction."⁵⁶ Conversely, the state of Florida goes in depth to define what a caregiver is, stating:

A person who has been entrusted with or has assumed the responsibility for frequent and regular care of or services to a vulnerable adult on a temporary or permanent basis and who has a commitment, agreement, or understanding with that person or that person's guardian that a caregiver role exists. "Caregiver" includes, but is not limited to, relatives, household members, guardians, neighbors . . .⁵⁷

The main problem with becoming a caregiver for an elder is that few people who become caregivers know the harsh financial and stressful realities it entails.⁵⁸ Some individuals may not even

realize that they are legally recognized as a caregiver, resulting in a failure to create a caregiving plan.⁵⁹

When individuals have assumed the responsibility of becoming a caregiver and then fail to create a caregiving plan, this may result in a situation where abuse is likely to occur. For example, the Supreme Court of Arkansas found a man criminally liable for elder abuse when he severely neglected his elderly mother.⁶⁰ The authorities found the neglected elder in her home with cockroaches and rodents crawling around her apartment and bruises and bedsores covering her body.⁶¹ The elder died in the hospital a month later.⁶²

The defendant argued that he did not meet the definition of a caregiver under the Arkansas statute and that therefore he had no legal duty to care for his elderly mother.⁶³ The Arkansas statute that he was charged under stated “[a]ny person or caregiver who neglects an endangered or impaired adult in violation of the provisions of this chapter, causing serious physical injury or substantial risk of death, shall be guilty of a Class D felony and shall be punished as provided by law.”⁶⁴ The court found that the defendant’s mother fit the description of an elder within the statute, that the defendant was the victim’s caregiver, and that he was guilty of elder neglect.⁶⁵

It is important that each state define the term caregiver so that individuals are put on notice as to whether they are legally responsible for an elder and thus individuals can fully think about the responsibility they are about to assume and decide whether it is the right situation for both themselves and the elder. When an individual knowingly takes on the position of a caregiver, it will likely prevent elder abuse and elder abandonment from occurring if both parties know exactly what kind of situation they are getting involved in and whether they are mentally and financially ready for this responsibility.

III. CURRENT STATE OF THE LAW REGARDING ELDER ABUSE STATUTES

Federal law does not specifically address elder abuse; therefore, it is important that states define in-depth in their statutes as to what actions by a caregiver constitute elder abuse.⁶⁶ This is significant so that those who perform elder abandonment and other forms of elder abuse will be prosecuted for the correct crime.

A. STATES THAT INCLUDE ELDER ABANDONMENT IN THEIR STATUTES

The only states that currently include elder abandonment as a form of elder abuse in their statutes are Alaska, California, Connecticut, Illinois, New Jersey, Oregon, Pennsylvania, Utah, Washington, and Wyoming.⁶⁷ Although each of these states includes elder abandonment in their statutes, each statute varies as to how they define elder abandonment.⁶⁸

The state of California lists elder abandonment as a form of elder abuse without defining or describing what elder abandonment actually is.⁶⁹ Conversely, the state of Oregon defines what elder abandonment is under their statute as the “desertion or willful forsaking of an elderly person or a person with a disability or the withdrawal or neglect of duties and obligations owed to an elderly person or a person with a disability by a caregiver or other person.”⁷⁰

The remaining states’ statutes contain somewhat similar definitions of what constitutes elder abandonment. For example, Connecticut’s statute defines elder abandonment as “the desertion or willful forsaking of an elderly person by a caregiver or the foregoing of duties or the withdrawal or neglect of duties and obligations owed to an elderly person by a caregiver or other person.”⁷¹ Illinois defines elder abandonment as “to desert or knowingly forsake a resident or an elderly person or person with a disability under circumstances in which a reasonable person would continue to provide care and custody.”⁷² New Jersey finds elder abandonment to be “the willful desertion or forsaking of an elderly person or disabled adult.”⁷³

These states have taken the step of including elder abandonment in their statutes and, as a result, recognize abandonment as its own form of elder abuse. In these states, abusers may be found criminally liable of elder abandonment and will be reported to law enforcement as such. If each state were to add abandonment to their statutes, reports of elder abandonment are likely to increase.

B. STATES THAT DO NOT INCLUDE ELDER ABANDONMENT IN THEIR STATUTES

The majority of states do not include elder abandonment in their statutes as a form of elder abuse.⁷⁴ Moreover, some states are not thorough in detailing in their statutes as to what constitutes elder abuse in general.⁷⁵

Alabama and Georgia have general definitions for what constitutes elder abuse.⁷⁶ They define elder abuse as “the infliction of physical pain, injury, or the willful deprivation by a caregiver. . .” and “the willful infliction of physical pain, physical injury, sexual abuse, mental anguish, unreasonable confinement, or the willful deprivation of essential services to a disabled adult or elder person.”⁷⁷

Conversely, other states go into greater detail as to what constitutes elder abuse.⁷⁸ For example, Missouri’s statute defines an abuser as:

A person commits the offense of abuse of an elderly person, a person with a disability, or a vulnerable person if he or she:

- (1) Purposely engages in conduct involving more than one incident that causes emotional distress to an elderly person, a person with a disability, or a vulnerable person. The course of conduct shall be such as would cause a reasonable elderly person, person with a disability, or vulnerable person to suffer substantial emotional distress; or
- (2) Intentionally fails to provide care, goods or services to an elderly person, a person with a disability, or a vulnerable person. The result of the conduct shall be such as would cause a reasonable elderly person, person with a disability, or vulnerable person to suffer physical or emotional distress; or
- (3) Knowingly acts or knowingly fails to act in a manner which results in a substantial risk to the life, body or health of an elderly person, a person with a disability, or a vulnerable person.⁷⁹

Not only do a majority of the states not include elder abandonment in their statutes, but there is currently no uniformity among each state’s statutes for what constitutes elder abuse in general. This is problematic because in some states a caregiver may not be prosecuted for elder abuse or not prosecuted for committing elder abandonment when it has in fact occurred.

C. STATES THAT DEFINE ELDER ABANDONMENT AS A FORM OF NEGLECT IN THEIR STATUTES

There are some states that include elder abandonment in their statutes but fail to categorize it as its own form of abuse.⁸⁰ These states include Delaware, Hawaii, New York, Rhode Island, and Tennessee.⁸¹ These few states only categorize elder abandonment as a form of elder neglect.⁸²

New York’s elder abuse statute defines active neglect as the “means of willful failure by the caregiver to fulfill the care-taking functions and responsibilities assumed by the caregiver, including but not limited to, abandonment.”⁸³ While in Delaware, neglect means, “intentional and permanent abandonment or desertion in any place of an adult who is impaired by a caregiver who does not make reasonable efforts to ensure that essential services . . . will be provided for said adult who is impaired.”⁸⁴

Although these states have taken the step of including abandonment in their statutes, they still only recognize abandonment as a form of elder neglect, even though these are two different forms of abuse. It is important that each state recognize abandonment as a separate form of elder abuse from elder neglect, so that criminal cases of elder abandonment will be reported as such and therefore aid in the widespread awareness of this phenomenon.

D. CURRENT CRIMINAL LIABILITY FOR ELDER ABUSE IN THE UNITED STATES

It is essential that abusers of the elderly and those who perform elder abandonment be criminally prosecuted, and thus many states have enacted laws that hold a person criminally liable for defined misconducts of elder abuse in their statutes.⁸⁵ Moreover, some states even make the abuse, neglect, or exploitation of the elderly either a misdemeanor or a felony.⁸⁶ Whether the criminal charge will be considered a misdemeanor or a felony depends on the level of intent by the caregiver or the likelihood of causing bodily harm to the elder.⁸⁷ Some states' statutes go further and include degrees of the severity for the criminal charge of elder abuse and penalties will be based on the state of mind of the abuser that ranges from knowing or intentional to reckless conduct.⁸⁸

For example, in Idaho, a person will be found criminally liable for committing elder abuse when the abuser has created circumstances for the elder that are likely to produce great bodily harm or death.⁸⁹ Abusers of the elderly in Idaho will be found guilty of a felony that can be punishable by imprisonment of up to ten years and a fine of up to a twenty-five thousand dollars.⁹⁰

Montana goes in depth in its statute regarding the penalties for elder abuse and are defined as follows:

- (2)(a) A person who purposely or knowingly abuses, sexually abuses, or neglects an older person or a person with a developmental disability is guilty of a felony and shall be imprisoned for a term not to exceed 10 years and be fined an amount not to exceed \$10,000, or both.
- (b)(i) A person who negligently abuses an older person or a person with a developmental disability is guilty of a misdemeanor and upon a first conviction shall be fined an amount not to exceed \$1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both.⁹¹

If each state were to recognize abandonment as a form of elder abuse in their statutes, caregivers will then be prosecuted for the crime of elder abandonment instead of not being prosecuted at all or being prosecuted for elder neglect.

E. CONVICTING AN INDIVIDUAL OF ELDER ABUSE

Those who have performed elder abandonment should be prosecuted similarly to those who have performed elder neglect or other types of elder abuse. The degree to which the abuser will be convicted should depend on the level of bodily harm that occurred on the elder when the elder was abandoned and the level of intent of the abuser.

When convicting an individual of elder abuse in state court, the state is usually required to prove that: (1) the victim was an endangered elder, (2) the defendant was the caregiver responsible for the victim's care, (3) the defendant abused the victim, and (4) the abuse caused serious physical injury or risk of death to the elder.⁹²

For example, in Florida, a man was found guilty of aggravated manslaughter of an elderly person when he severely neglected his elderly mother. It was found that the elder was severely constipated due to dehydration and that this condition led to the impaction of her colon and its eventual rupture, which caused deadly peritonitis.⁹³ The elder's colon ruptured at least two or three days before the defendant called 911 to have his mother hospitalized.⁹⁴ The court found that the elder was so neglected that it resulted in her death.⁹⁵ The defendant argued he had no criminal liability because he never assumed any of her physical care taking, and thus, under the statute, he was not her caregiver.⁹⁶ The court found that the defendant was in fact a caregiver under the Florida statute, which defined caregiver as: "a person who has been entrusted with or has assumed responsibility for the care or the property of an elderly person or disabled adult."⁹⁷

In Illinois, a married couple was found guilty of criminal neglect of an elderly person where hospital tests revealed that the elder they were caring for was so severely dehydrated it caused him to be in "profound shock" and that he was also suffering from renal failure because of neglect.⁹⁸ Further tests indicated that the elder had no nutritional intake for at least one week and perhaps much

longer.⁹⁹ Moreover, the living conditions of the elder were so bad that ambulance responders had found that the elder was covered in dried feces and urine.¹⁰⁰

Widespread awareness of these cases of elder abuse will put individuals on notice that there is criminal liability for elder abuse and will perhaps deter it. Moreover, in adding elder abandonment to each state's statute, individuals will be found criminally liable when they abandon their elders and thus elder abandonment will be brought to the attention of law enforcement and the public. Furthermore, although it is important to criminally prosecute those for elder abuse and abandonment, steps can be taken to ensure that abuse does not occur by caregivers against elders.

F. SERVICES AVAILABLE TO VICTIMS OF ELDER ABUSE

It is important that caregivers, those who may become caregivers, and the elderly become aware of APS and the services they provide so that elder abandonment or abuse does not become an issue. Every state provides APS, programs for victims of elder abuse.¹⁰¹ APS are funded by each state and serve to help all elderly individuals who are vulnerable to mistreatment or neglect or who are unable to care for and protect themselves.¹⁰² The goal of APS is to provide for the safety, health, and overall well-being of adults with special needs and the elderly.¹⁰³

When APS receives a report of elder abuse they will investigate and evaluate each victim's case individually.¹⁰⁴ If it is found that there has been an occurrence of elder abuse, APS will draft a case plan for the abused elder that may include arranging for needed care such as emergency shelter, medical attention, or legal consultation.¹⁰⁵

Most states' elder abuse statutes establish reporting requirements that heavily involve the procedures of APS.¹⁰⁶ There are even certain individuals who have a statutory duty to report elder abuse allegations to the state or local agencies that are responsible for the investigation of elder abuse.¹⁰⁷ These local agencies typically include physicians, nurses, and employees of long-term care facilities; employees of state and local social service agencies; and law enforcement officials.¹⁰⁸

The overall goal of an investigation of elder abuse is to address the needs of the elderly and to prevent the abuse, neglect, or exploitation from happening again.¹⁰⁹ Unfortunately, sometimes the best option is to separate the caregiver from the elder and oftentimes this is the only effective way to stop the abuse.¹¹⁰ Separation of the caregiver from the elder can become difficult and is more easily accomplished when the caregiver is not related to the elder who has been abused.¹¹¹

In other nonserious situations involving elder abuse, APS may offer the caregiver special services such as respite care, which is designed to relieve the caregiver's stress.¹¹² Respite care may involve a temporary stay by the elder in a care facility or the provision of a paid caregiver in the elder's home.¹¹³

While caregivers may become stressed out and choose to abandon their elders, one can only imagine the confusion felt by the elder victim.¹¹⁴ Caregivers should be educated on the phenomenon of elder abandonment and realize that it is considered a form of elder abuse. When caregivers are experiencing issues that may create extra stress or frustration when caring for an elder, it is crucial to deal with them in a healthy manner and before elder abuse occurs.¹¹⁵ By increasing awareness of elder abuse as well as focusing on the needs of the caregiver, elder abuse and elder abandonment may be prevented.¹¹⁶

G. THE NEED FOR SUPPORT AND EDUCATING HOPELESS CAREGIVERS

A study conducted in the United States found that twenty percent of caregivers fear that they may become abusive with the elders for whom they care.¹¹⁷ Violence, abuse, and neglect toward elders are signs that the people involved need to seek help immediately, before the abuse spirals out of control.¹¹⁸ In addition to promoting awareness on elder abuse and elder abandonment, positive steps can be made such as educating people about preventing elder abuse so that it will not occur.¹¹⁹ It has to be ensured that caregivers do not reach the point of abandonment.

Steps to aid in the prevention of elder abuse include educating caregivers on the availability of respite care, promoting increased social contact and support for families who are caring for elders, and encouraging counseling and treatment for caregivers so they can cope with personal and family problems that contribute to abuse.¹²⁰ Caregivers may request help from family and friends so they can take a weekly break from caregiving or can find an adult day-care program for their elders.¹²¹ Caregivers may also seek counseling for depression if they are becoming overwhelmed with caring for an elder or find a support group for caregivers of the elderly.¹²² Friends and family of caregivers should be aware of the situation and know what to do if they become worried that someone is abusing an elder so they may step in before things become worse.¹²³ Caregivers should never reach the point of abandoning their elders and with all of the options available for support, there is no reason why elder abandonment should be a possibility.

IV. PROPOSAL

A. ELDER ABANDONMENT SHOULD BE INCLUDED IN ALL STATES' STATUTES AS A FORM OF ELDER ABUSE

This Note proposes that elder abandonment should be included as a form of elder abuse in all states' statutes. Moreover, this Note proposes that elder abandonment should be recognized as its own form of abuse, separate from elder neglect. This is so elder abandonment will not be reported as elder neglect and thus awareness about elder abandonment will become more widespread across the United States. Those who have abandoned an elder should be faced with criminal liability, depending on the level of intent of the abuser, and the risk of bodily harm or death to the elder.

B. MODEL STATUTE

This Note proposes a model statute that all states should adopt to protect the elderly from elder abandonment. The language of this model statute is similar to the Oregon code for elder abandonment and goes into detail in defining what elder abandonment is.¹²⁴ The model statute should define elder abandonment as "the desertion or willful forsaking of an elderly person or the permanent withdrawal of duties and obligations owed to an elderly person by a caregiver or other responsible person." This language is the best alternative because it explicitly states that abandoning an elder is when an individual wants to completely rid themselves of all responsibility of the elder, instead of just stating that they want to withdraw from providing essential care for the elder.

In addition, this Note proposes that there should be increased awareness across the United States of the public health problem associated with elder abuse and, more specifically, elder abandonment. Each state should raise awareness about where hopeless caregivers should turn when they are becoming overwhelmed when caring for an elder so that elder abuse can be prevented. This can be achieved by mandating reporting requirements of elder abandonment by hospitals, nursing homes, and law enforcement so that increased awareness for elder abandonment will occur across the United States. Moreover hospitals, doctors, and other health practitioners should inform and refer caregivers and elders about the many services that are available to caregivers such as respite care and APS that all support proper elder care and aid in providing a caregiving plan.

V. COUNTERARGUMENTS

A. CRIMINAL LIABILITY SHOULD NOT BE IMPOSED ON THOSE WHO PERFORM ELDER ABANDONMENT

It may be argued that those who perform elder abandonment should not be faced with criminal liability because of the stressful situations that caregivers are thrown into when caring for an elder. This

argument arises where there are two siblings and only one cares for the elderly parent and only that sibling is prosecuted for elder abandonment.

Although caregiving creates stressful situations for siblings, there are many options that caregivers can seek first before they become so overwhelmed and abandon their elders.¹²⁵ Elder abandonment may seem like an attractive option to a caregiver who is extremely overwhelmed and running out of financial resources to care for an elder, but it should not be an option. Thus, criminal liability should be imposed on those who choose to purposely abandon their elders and subject the elder to great bodily harm or death.

B. THOSE WHO PERFORM ELDER ABANDONMENT WILL BE DIFFICULT TO LOCATE

The goal of abandoning an elder is for the caregiver to completely rid him/herself of the responsibility of the elder and in such a way that no one will be able to contact the caregiver. Therefore, it may be difficult to assess how those who are successful in performing elder abandonment will be caught by the authorities and prosecuted for elder abandonment.

In order to catch those who perform elder abandonment, a case of elder abandonment will be handled like any other case of elder abuse.¹²⁶ First, the elder abandonment will likely be reported to the police or APS by a hospital or someone else that may have discovered the abandoned elder.¹²⁷ If the police become involved first, they can conduct the elder abandonment case similarly to a normal police investigation.¹²⁸ This may include interviewing those in the hospital or other place the elder may have been abandoned in attempting to figure out who abandoned the elder.¹²⁹ If APS becomes involved first, they will make the determination of whether the police should get involved to conduct an investigation on elder abandonment.¹³⁰ If APS is able to contact the caregiver that abandoned the elder, they will make the determination of what legal action should be taken next.¹³¹

VI. CONCLUSION

Elder abuse is a growing and complex public health problem in the United States.¹³² Moreover, elder abandonment is a significantly underreported phenomenon of elder abuse in the United States. All states should include elder abandonment as a form of elder abuse in their statutes so there will be increased awareness of elder abandonment and so more elder abandonment cases will be reported. Elder abandonment is different from elder neglect in that abusers who perform elder abandonment are attempting to completely rid themselves of responsibility for an elder by deserting them, while neglect is withholding of assistance to an elder.¹³³

All states should add abandonment to their elder abuse statutes so caregivers who abuse their elders will face criminal liability. Criminal liability for elder abandonment will depend on the level of intent of the abuser and the risk of bodily harm or death that the caregiver created when they abandoned the elder.

In addition, there should be increased, widespread awareness on elder abuse and caregiving in the United States. Caregivers should be educated on the many options they have that may help them when caring for an elder. Moreover, caregivers should learn coping strategies that can prevent them from becoming overwhelmed when caring for an elder. There are many ways caregivers can seek help when caring for an elder and elder abandonment should not be an option.

NOTES

1. Susan is a fictional character made up for the purposes of this Note and her character and experiences are based on actual events.

2. *Types of Abuse*, NATIONAL CENTER ON ELDER ABUSE, <https://ncea.acl.gov/faq/abusetypes.html#abandonment> (last visited Mar. 5, 2017).

3. Admin. on Aging, *What is Elder Abuse?*, ADMINISTRATION FOR COMMUNITY LIVING, https://aoa.acl.gov/aoa_programs/elder_rights/ea_prevention/whatIsEA.aspx (last updated July 22, 2016).

4. *Id.*
5. Iris Marcus, *Elder Abuse Qualifies as a Major Public Health Problem in The US*, 40 MONT. LAW. 20, 20 (2015).
6. Donna Schuyler & Bryan A. Liang, *Reconceptualizing Elder Abuse: Treating The Disease of Senior Community Exclusion*, 15 ANNALS HEALTH L. 275, 276 (2006).
7. *What is the Impact of Elder Abuse?*, NATIONAL CENTER ON ELDER ABUSE, <https://ncea.acl.gov/whatwedo/research/statistics.html#impact> (last visited Mar. 5, 2017).
8. Marcus, *supra* note 5.
9. *Id.*
10. *Id.*
11. *Id.*; see also *Goals and Activities*, THE ELDER JUSTICE COALITION, <http://www.elderjusticecoalition.com/goals> (last visited Mar. 5, 2017) (the Elder Justice Coalition is a national organization whose goals are to increase public awareness of the tragedy of elder abuse, neglect, and exploitation at the local, state, and national levels; increase awareness, support, and funding for the Elder Justice Act in the Senate and House of Representatives as a comprehensive approach to addressing elder justice issues; and monitor and appropriately influence other relevant legislation and regulations that pertain to the prevention of elder abuse, neglect, and financial exploitation).
12. *Id.*
13. *Id.*
14. *Id.*; ALA. CODE § 38-9-2 (2017); ALASKA STAT. § 47.24.900 (2016); ARIZ. REV. STAT. ANN. § 46-451 (2016); ARK. CODE ANN. § 5-28-101 (2016); CAL. WELF. & INST. CODE § 15610.07 (2016); COLO. REV. STAT. § 18-6.5-102 (2016); CONN. GEN. STAT. § 17b-450 (2016); DEL. CODE ANN. tit. 31 § 3902 (2015); FLA. STAT. ANN. § 415.102 (West 2016); GA. CODE ANN. § 30-5-3 (2017); HAW. REV. STAT. ANN. § 346-222 (West 2016); IDAHO CODE § 18-1505 (2017); 720 ILL. COMP. STAT. ANN. 5/12-4.4A (West 2016); IND. CODE ANN. § 12-10-3-2 (West 2017); IOWA CODE ANN. § 235B.2 (West 2016); KAN. STAT. ANN. § 39-1401 (2017); KY. REV. STAT. ANN. § 209.020 (West 2017); LA. STAT. ANN. § 46:61 (2016); ME. REV. STAT. ANN. tit. 22, § 3472 (2017); MD. CODE ANN., FAM. LAW § 14-101 (West 2016); MASS. GEN. LAWS ANN. ch. 19A, § 14 (West 2017); MICH. COMP. LAWS ANN. § 400.11 (West 2016); MINN. STAT. ANN. § 626.5572 (West 2017); MISS. CODE ANN. § 43-47-5 (2016); MO. REV. STAT. § 565.184 (2017); MONT. CODE ANN. § 52-3-803 (2017); NEV. REV. STAT. ANN. § 41.1395 (West 2015); N.H. REV. STAT. ANN. § 161-F:43 (2017); N.J. STAT. ANN. § 2C:24-8 (West 2017); N.M. STAT. ANN. § 27-7-16 (2017); N.Y. SOC. SERV. LAW § 473 (Consol. 2017); N.C. GEN. STAT. ANN. § 14-32.3 (West 2016); N.D. CENT. CODE ANN. § 50-25.2-01 (West 2016); OHIO REV. CODE ANN. § 2903.33 (West 2013); OKLA. STAT. ANN. tit. 43A, § 10-103 (West 2016); OR. REV. STAT. ANN. § 124.005 (West 2016); 35 PA. STAT. AND CONS. STAT. ANN. § 10225.103 (West 2016); 42 R.I. GEN. LAWS ANN. § 42-66-4.1 (West 2016); S.C. CODE ANN. § 43-35-10 (2016); S.D. CODIFIED LAWS § 22-46-1 (2016); TENN. CODE ANN. § 71-6-102 (2016); TEX. HUM. RES. CODE ANN. § 48.002 (West 2015); UTAH CODE ANN. § 62A-3-301 (West 2016); VT. STAT. ANN. tit. 33, § 6902 (2015); VA. CODE ANN. § 18.2-369 (2017); WASH. REV. CODE ANN. § 74.34.020 (West 2016); W. VA. CODE § 9-6-1 (2016); WIS. STAT. ANN. § 46.90 (West 2017); WYO. STAT. ANN. § 35-20-102 (2017).
15. 15. ALA. CODE § 38-9-2 (2017); ARIZ. REV. STAT. ANN. § 46-451 (2016); ARK. CODE ANN. § 5-28-101 (2016); COLO. REV. STAT. § 18-6.5-102 (2016); FLA. STAT. ANN. § 415.102 (West 2016); GA. CODE ANN. § 30-5-3 (2017); IDAHO CODE § 18-1505 (2017); IND. CODE ANN. § 12-10-3-2 (West 2017); IOWA CODE ANN. § 235B.2 (West 2016); KAN. STAT. ANN. § 39-1401 (2017); KY. REV. STAT. ANN. § 209.020 (West 2017); LA. STAT. ANN. § 46:61 (2016); ME. REV. STAT. ANN. tit. 22, § 3472 (2017); MD. CODE ANN., FAM. LAW § 14-101 (West 2016); MASS. GEN. LAWS ANN. ch. 19A, § 14 (West 2017); MICH. COMP. LAWS ANN. § 400.11 (West 2016); MINN. STAT. ANN. § 626.5572 (West 2017); MISS. CODE ANN. § 43-47-5 (2016); MO. REV. STAT. § 565.184 (2017); MONT. CODE ANN. § 52-3-803 (2017); NEV. REV. STAT. ANN. § 41.1395 (West 2015); N.H. REV. STAT. ANN. § 161-F:43 (2017); N.M. STAT. ANN. § 27-7-16 (2017); N.C. GEN. STAT. ANN. § 14-32.3 (West 2016); N.D. CENT. CODE ANN. § 50-25.2-01 (West 2016); OHIO REV. CODE ANN. § 2903.33 (West 2013); OKLA. STAT. ANN. tit. 43A, § 10-103 (West 2016); S.C. CODE ANN. § 43-35-10 (2016); S.D. CODIFIED LAWS § 22-46-1 (2016); TEX. HUM. RES. CODE ANN. § 48.002 (West 2015); VT. STAT. ANN. tit. 33, § 6902 (2015); VA. CODE ANN. § 18.2-369 (2017); W. VA. CODE § 9-6-1 (2016); WIS. STAT. ANN. § 46.90 (West 2017).
16. *Elder Abandonment*, FINDLAW, <http://elder.findlaw.com/elder-abuse/elder-abandonment.html> (last visited Mar. 5, 2017) (“Statistics for elder abandonment are hard to come by because many incidents go unreported and because abandonment is sometimes used interchangeably with elder neglect. . .”).
17. See *Types of Abuse*, *supra* note 2; *Elder Abuse Definitions*, CENTERS FOR DISEASE CONTROL AND PREVENTION, <http://www.cdc.gov/violenceprevention/elderabuse/definitions.html> (last updated June 28, 2016).
18. *Types of Abuse*, *supra* note 2.
19. *Elder Abuse Definitions*, *supra* note 17.
20. *Elder Abandonment*, *supra* note 16.
21. *Statistics on Elder Abuse*, SENIORCARE.ORG, <http://www.seniorcare.org/general-information/elder-abuse-statistics/> (last visited Mar. 7, 2017).
22. *Elder Abandonment*, *supra* note 16.
23. *Id.*
24. *Id.*
25. *Id.*
26. *Id.*

27. *Caregiver Issues*, NURSING HOME ABUSE GUIDE, <http://nursinghomeabuseguide.com/elder-abuse/causes/> (last visited Mar. 7, 2017).
28. *See, Protecting Elders Against Neglect and Abandonment*, SOCIAL WELFARE DEPARTMENT, <http://www.swd.gov/hk/doc/family/elderly-NE&AB.pdf> (last visited Mar. 7, 2017); *Types of Abuse*, *supra* note 2; Jane Reister Conard, *Granny Dumping: The Hospital's Duty of Care to Patients Who Have Nowhere To Go*, 10 YALE L. & POL'Y REV. 463 (1992).
29. *Protecting Elders Against Neglect and Abandonment*, *supra* note 28.
30. *Id.*
31. *Id.*
32. *Types of Abuse*, *supra* note 2.
33. Conard, *supra* note 28.
34. *Id.*
35. *Id.*
36. *Id.*
37. DEL. CODE ANN. Tit. 31 § 3902 (2015); HAW. REV. STAT. ANN. § 346-222 (West 2016); N.Y. SOC. SERV. L. § 473 (Consol. 2017); R.I. GEN. LAWS ANN. § 42-66-4.1 (West 2016); TENN. CODE ANN. § 71-6-102 (2016).
38. *Types of Abuse*, *supra* note 2.
39. *Elder Abuse and Neglect: In Search of Solutions*, AMERICAN PSYCHOLOGICAL ASSOCIATION. <http://www.apa.org/pi/aging/resources/guides/elder-abuse.aspx> (last visited Mar. 30, 2017).
40. *Types of Abuse*, *supra* note 2.
41. *Id.*
42. *Id.*
43. *Id.*
44. *Id.*
45. *Id.*
46. *Id.*
47. *See id.*; *see also Elder Abuse and Neglect*, *supra* note 39.
48. *Types of Abuse*, *supra* note 2; *Elder Abuse and Neglect*, *supra* note 39.
49. Twyla Sketchly, *When You Become Your Parents' Caregiver*, 38 MONT. L. 8 (2013).
50. *Id.*
51. *Id.*
52. 42 U.S.C.A. § 1397 (the Elder Justice Act of 2009 was enacted by Congress to spread awareness across America regarding elder abuse).
53. Sketchly, *supra* note 49; *see also* Joseph W. Barber, *The Kids Aren't All Right: The Failure of Child Abuse Statutes as a Model for Elder Abuse Statutes*, 16 ELDER L.J. 107 (2008).
54. 118 AM. JUR. *Proof of Facts* 3d 297 (2011).
55. *Id.*
56. CONN. GEN. STAT. ANN § 17b-450 (2016).
57. FLA. STAT. ANN. § 415.102 (West 2016).
58. Sketchly, *supra* note 49.
59. *Id.*
60. *See* Law v. State, 375 Ark. 505 (2009).
61. *Id.*
62. *Id.*
63. *Id.*
64. *See id.*; *see also* ARK. CODE ANN. § 5-28-103(c)(1) (2017).
65. *Law*, 375 Ark. 505.
66. *Elder Abandonment*, *supra* note 16.
67. ALASKA STAT. § 47.24.900 (2016); CAL. WELF. & INST. CODE § 15610.07 (2016); CONN. GEN. STAT. ANN. § 17b-450 (2016); 720 ILL. COMP. STAT. ANN 5/12-4.4a (West 2016); N.J. STAT. ANN. § 2C:24-8 (West 2017); OR. REV. STAT. ANN § 124.005 (West 2016); 35 PA. STAT. AND CONS. STAT. ANN. § 10225.103 (West 2016); UTAH CODE ANN. § 62A-3-301(West 2016); WASH. REV. CODE ANN.§ 74.34.020 (West 2016); WYO. STAT. ANN. § 35-20-102 (2017).
68. *Id.*
69. CAL. WELF. & INST. CODE § 15610.07 (2016).
70. *Id.*
71. 71. CONN. GEN. STAT. ANN. § 17b-450 (2016).
72. 72. 720 ILL. COMP. STAT. ANN 5/12-4.4a (West 2016).
73. 73. N.J. STAT. ANN. § 2C:24-8 (West 1998).
74. 74. ALA. CODE § 38-9-2 (LexisNexis 2017); ARIZ. REV. STAT. ANN. § 46-451 (2016); ARK. CODE ANN. § 5-28-101 (2016); COLO. REV. STAT. ANN. § 18-6.5-102 (West 2016); FLA. STAT. ANN. § 415.102 (West 2016); GA. CODE ANN. § 30-5-3 (2017); IDAHO CODE ANN. § 18-1505 (2017); IND. CODE ANN. § 12-10-3-2 (West 2017); IOWA CODE ANN. § 235B.2 (West 2016); KAN. STAT. ANN. § 39-1401 (2017); KY. REV. STAT. ANN. § 209.020 (West 2017); LA. STAT. ANN. § 46:61 (2016); ME. REV. STAT. ANN. tit. 22, § 3472 (2017); MD CODE ANN., FAM. LAW § 14-101 (West 2016); MASS. GEN. LAWS. ANN. ch. 19A,

§ 14 (West 2017); MICH. COMP. LAWS ANN. § 400.1 (West 2016); 1; MINN. STAT. ANN. § 626.5572 (West 2017); MISS. CODE ANN. § 43-47-5 (2016); MO. ANN. STAT. § 565.184 (2017); MONT. CODE ANN. § 52-3-803 (2017); NEV. REV. STAT. ANN. § 41.1395 (West 2015); N.H. REV. STAT. § 161-F:43 (2017); N.M. STAT. ANN. § 27-7-16 (2017); N.C. GEN. STAT. ANN. § 14-32.3 (West 2016); N.D. CENT. CODE ANN. § 50-25.2-01 (West 2016); OHIO REV. CODE ANN. § 2903.33 (West 2013); OKLA. STAT. ANN. Tit. 43A, § 10-103 (West 2016); S.C. CODE ANN. § 43-35-10 (2016); S.D. CODIFIED LAWS § 22-46-1 (2016); TEX. HUM. RES. CODE ANN. § 48.002 (West 2015); VT. STAT ANN. Tit. 33, § 6902 (2015); VA. CODE ANN. § 18.2-369 (2017); W. VA. CODE § 9-6-1 (2016); WIS. STAT. ANN. § 46.90 (West 2017).

75. See ALA. CODE § 38-9-2 (2017); GA. CODE ANN. § 30-5-3 (2017).

76. *Id.*

77. *Id.*

78. See MINN. STAT. ANN. § 626.5572 (West 2017); COLO. REV. STAT. § 18-6.5-102 (2016).

79. 79. MO. REV. STAT. § 565.184 (2017).

80. 80. DEL. CODE ANN. Tit. 31 § 3902 (2015); HAW. REV. STAT. ANN. § 346-222 (West 2016); N.Y. SOC. SERV. LAW § 473 (Consol. 2017); R.I. GEN. LAWS ANN. § 42-66-4.1 (West 2016); TENN. CODE ANN. § 71-6-102 (2016).

81. See *supra* note 80.

82. *Id.*

83. N.Y. SOC. SERV. LAW § 473 (Consol. 2017).

84. 84. DEL. CODE ANN. Tit. 31 § 3902 (2015).

85. 113 A.L.R. 5th 431.

86. See IDAHO CODE ANN. § 18-1505(2) (2017); VA. CODE ANN. § 18.2-369(A) (2017); WYO. STAT. ANN. § 35-20-109 (2017); GA. CODE ANN. § 30-5-8 (2017); IDAHO CODE ANN. § 18-1505(1) (2017); MD. CODE ANN., CRIM. LAW § 3-604(c) (West 2017).

87. See *supra* note 86.

88. See MINN. STAT. ANN. § 609.231 (West 2017); MONT. CODE ANN. § 52-3-825 (2017); NEB. REV. STAT. ANN. § 28-386 (West 2017); TENN. CODE ANN. § 71-6-117 (2016).

89. IDAHO CODE ANN. § 18-1505(2) (2017).

90. *Id.*

91. MONT. CODE ANN. § 52-3-825 (2017).

92. 118 AM. JUR. *Proof of Facts* 3d 297 (2011); see also Law v. State, 375 Ark. 505 (2009).

93. See Peterson v. State, 765 So.2d 861 (Fla. Dist. Ct. App. 2000).

94. *Id.*

95. *Id.*

96. *Id.*

97. *Id.*; FLA. STAT. ANN § 825.101(2) (West 2014).

98. See People v. Simester, 287 Ill.App.3d 420 (Ill. App. Ct. 1997).

99. *Id.*

100. *Id.*

101. *Elder Abandonment, supra* note 16.

102. *Id.*

103. *Id.*

104. *Id.*

105. *Id.*

106. *Id.*

107. 118 AM. JUR. *Proof of Facts* 3d 297 (2011).

108. *Id.*

109. *Id.*

110. *Id.*

111. *Id.*

112. *Id.*

113. *Id.*

114. *Elder Abandonment, supra* note 16.

115. *Caregiver Issues, supra* note 27.

116. *Id.*

117. *How at Risk for Abuse are People with Dementia?*, CENTER OF EXCELLENCE ON ELDER ABUSE AND NEGLECT, http://www.centeronelderabuse.org/docs/PwDementia_Factsheet.pdf (last visited Apr 2, 2017).

118. *Elder Abuse and Neglect, supra* note 39.

119. *Id.*

120. *Id.*

121. *Preventing Elder Abuse and Neglect*, HELPGUIDE.ORG, <http://www.helpguide.org/articles/abuse/elder-abuse-and-neglect.htm> (last visited Apr. 2, 2017).

122. *Id.*

123. *Id.*

124. OR. REV. STAT. ANN. § 124.005 (West 2016).
125. *See id.*; *see also Elder Abuse and Neglect in Search of Solutions*, *supra* note 39.
126. *Elder Abandonment*, *supra* note 16.
127. *15 Questions and Answers About Elder Abuse*, NATIONAL CENTER ON ELDER ABUSE, <http://www.lccoa.org/documents/2nd%20Q%20Volunteer%20Training.pdf> (last visited Apr. 2, 2017).
128. *Who Do I Call If I Suspect Abuse*, ADMINISTRATION FOR COMMUNITY LIVING, http://www.aoa.acl.gov/AoA_Programs/Elder_Rights/EA_Prevention/WhatToDo.aspx (last visited Apr. 2, 2017).
129. *Id.*
130. *See id.*; *see also 15 Questions and Answers About Elder Abuse*, *supra* note 127.
131. *Id.*
132. Marcus, *supra* note 5.
133. *See Types of Abuse*, *supra* note 2; *Elder Abuse and Neglect*, *supra* note 39.

Stephanie Rzeszut received her bachelor's degree from Sacred Heart University in 2013 with a major in psychology and a minor in criminal justice. She is a recent graduate of Maurice A. Deane School of Law at Hofstra University where she held a position as Executive Research Editor for Volume 55 of Family Court Review. She developed a strong interest in criminal law throughout law school and plans to pursue a career in this area. She would like to thank her parents, family, and friends for all their love and support.