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Alachua County Sheriff’s Office Field Guide

This guide was produced as a result of the Elder Options’ *End Abuse in Later Life Project*. This project is a collaborative effort between Elder Options, Alachua County Sheriff’s Office, State Attorney’s Office for the Eighth Judicial Circuit in Florida, and Peaceful Paths Domestic Abuse Network. It is intended to be a community resource guide, providing information about crimes related to elder abuse, neglect and/or exploitation, local resources, and civil legal remedies for victims of elder abuse. Elder abuse, neglect and exploitation are a growing problem in Florida and many crimes go unreported.

The *Community Resource Guide for Abuse in Later Life* was developed under a grant from the U.S. Department of Justice, Office on Violence Against Women for Elder Options’ *End Abuse in Later Life Project*. This guide provides some basic information on elder abuse, elder abuse laws and definitions, and resources available for victims. For questions about this Project or Resource Guide, please contact Kimberly Henderson, Elder Abuse Project Coordinator at hendersonk@agingresources.org or 352-672-3457.

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Signs of Elder Abuse

Physical Abuse
- Unexplained or sudden changes in behavior
- Afraid to speak in presence of caregiver, family member(s), or partner
- Isolated
- Signs of restraint
- Under or over medicated
- Presence of feces or urine
- Visible or unexplained bruises/injuries
- Bone fractures/breaks, sprains, dislocations, black eyes
- Broken eye glasses/frames or other assistive devices

Sexual Abuse
- Infections, pain, bruises or bleeding in genital areas
- Unexplained or sudden changes in behavior
- Afraid to speak in presence of caregiver, family member(s), or partner

Psychological Abuse
- Locks on outside of interior doors (vulnerable adult’s room)
- Locks on refrigerator
- Damage to home caused by abuse
- Isolation of the older person from family, friends, or other support systems
- Unexplained or sudden changes in behavior
- Afraid to speak in presence of caregiver, family member(s), or partner

Isolation
- Physically restraining and/or intentionally preventing the vulnerable adult from receiving visitors, mail, telephone calls or access to social media/Internet.
- Knowingly providing a false statement contrary to the expressed wishes of the vulnerable adult with the intent to prevent visitors and callers.

Abandonment
- Lack of food
- Prescriptions not filled
- Desertion of a vulnerable adult at a hospital or other facility in an unsafe manner
- Withdrawal of necessary assistance to vulnerable adult
Neglect

- Strong odors of urine or feces
- Lack of food
- Empty prescription bottles and no refills
- Clothing not appropriate for weather
- Improper heating or AC to combat weather conditions
- Dehydration and/or malnutrition
- Untreated bed sores and poor hygiene
- Untreated health problems

Exploitation

- Caregiver prevents vulnerable adult from getting or keeping a job
- Important possessions, documents, or credit cards are missing
- Medications missing
- Caregiver makes vulnerable adult ask caregiver for vulnerable adult’s money
- Sudden changes in bank account balances or banking practices
- Abrupt changes in a will or other financial documents
- Unpaid bills despite the availability of financial resources
- Vulnerable adult’s signature being forged for financial transactions
- Checks written to “Cash”
- Sudden appearance of previously uninvolved relatives
Criminal Offenses

While all crimes may apply in an elder abuse case, the following is a reminder of some of the more common criminal offenses encountered in investigations where an older adult or vulnerable adult has been victimized. Crimes involving an older adult may also require the involvement of other agencies including Adult Protective Services (APS). See Florida Statutes, Chapter 415, Adult Protective Services, as well as the Resources section of this manual.

Abuse, Neglect, and Exploitation of Elderly Persons and Disabled Adults, Chapter 825
825.101 Definitions.
825.102 Abuse, aggravated abuse, and neglect of an elderly person or disabled adult; penalties.
825.1025 Lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person.
825.103 Exploitation of an elderly person or disabled adult; penalties.

Sexual Battery, Chapter 794
794.011 Sexual battery.
794.027 Duty to report sexual battery; penalties.
794.05 Unlawful sexual activity with certain minors.
794.052 Sexual battery; notification of victim’s rights and services.

Marriage; Domestic Violence, Chapter 741
741.28 Domestic violence; definitions
741.29 Domestic violence; investigation of incidents; notice to victims of legal rights and remedies; reporting.
741.31 Violation of an injunction for protection against domestic violence.
741.315 Recognition of foreign protection orders.

Assault; Battery; Culpable Negligence, Chapter 784
784.011 Assault
784.021 Aggravated assault
784.03 Battery; felony battery.
784.041 Felony battery; domestic battery by strangulation.
784.045 Aggravated battery.
784.048 Stalking; definitions; penalties.
784.08 Assault or battery on persons 65 years of age or older; reclassification of offenses; minimum sentence.
Adult Protective Services, Chapter 415
415.102  Definitions
415.1034  Mandatory reporting of abuse, neglect, or exploitation of vulnerable adults; mandatory reports of death.
415.111  Criminal penalties.

Fraudulent Practices, Chapter 817
817.568  Criminal use of personal identification information.

Civil Offenses

Breach of Fiduciary Duty under Power of Attorney, Chapter 709, Part II
709.2114  Agent’s duties.
709.2117  Agent’s liability.

Civil Exploitation, Chapter 415
415.1111  Civil Actions.

Civil Theft, Chapter 772
772.11  Civil remedy for theft or exploitation.

Injunction for Protection, Chapter 825
825.1035  Injunction for protection against exploitation of a vulnerable adult.
825.1036  Violation of an injunction for protection against exploitation of a vulnerable adult.

Speedy Trial, Chapter 415
415.1115  Civil actions involving elderly parties; speedy trial.
Civil Legal Resources

Individuals in need of legal advice and/or services pertaining to guardianships, powers of attorney, conservatorships, and injunctions for protection may contact the following local agencies for assistance:

Florida Legal Services – Immigrant Rights
PO Box 533986
Orlando, FL 32853
407-801-4813
Office in Newberry, FL – contact veronica.robleto@floridalegal.org
Hours: M-F 9am – 5pm
http://www.floridalegal.org/
- Providing legal services advocates for vulnerable populations.

Intimate Partner Violence Assistance Clinic (IPVAC)
University of Florida Levin College of Law
309 Village Drive
Gainesville, FL 32611
352-273-0805
Hours: M-F 8am – 5pm
https://www.law.ufl.edu/areas-of-study/experiential-learning/clinics/civil/ipvac
- Multidisciplinary clinic providing low income victims of domestic, dating and sexual violence with legal representation, mental health counseling and case management needs.

Peaceful Paths Injunction Office
Alachua County Civil Courthouse: Clerk’s Office
201 E University Avenue
Gainesville, FL 32601
352-377-5690, ext. 536
Hours: Please call for an appointment.
https://www.peacefulpaths.org/injunctions
- Injunction for Protection Project through Peaceful Paths Domestic Abuse Network providing legal assistance and representation to survivors of domestic violence when applying for an Injunction for Protection (Restraining Order).

Public Guardian: Eighth Judicial Circuit
Heather McGinnis, Esq.
Phone: 386-438-8236
Hours: M-F 8am – 5pm
http://elderaffairs.state.fl.us/doea/spgo.php
- State funded guardianship services for persons who do not have adequate income or assets to afford a private guardian and there is no willing family or friend to serve.

Senior Legal Helpline
1-888-895-7873
Hours: M-F 9am–5pm
http://elderaffairs.state.fl.us/doea/legal_services.php
- Helpline providing free legal advice and brief services by telephone appointment to eligible Florida residents age 60 and older, for civil (not criminal) legal problems.
Southern Legal Counsel, Inc.
1229 NW 12th Avenue
Gainesville, FL 32601
352-271-8890
Hours: M-F 9am – 5pm
https://www.southernlegal.org/www-southernlegal.org

- Public service law firm assisting individuals and groups with public interest issues who otherwise would not have access to the justice system and whose cases may bring about systemic reform.

Three Rivers Legal Services
1000 NE 16th Avenue, Bldg. I
Gainesville, FL 32601
352-372-0519
Hours: M-F 8:30am – 5pm
https://www.trls.org/locations/

- Non-profit law firm dedicated to the provision of quality legal assistance to the poor, abused, disabled and elderly, and to empowerment through preventive legal education.

Additional Resources

LOCAL

Alachua County Crisis Center
218 SE 24th Street
Gainesville, FL 32641
352-264-6789 24 Hour Helpline
Office Hours: M-F 8:30am – 5pm
https://alachuacounty.us/Depts/CSS/CrisisCenter/Pages/CrisisCenter.aspx

- Offering crisis and suicide intervention phone counseling to all residents of Alachua County.

Alachua County Social Services
218 SE 24th Street
Gainesville, FL 32641
352-264-6750 or 352-337-6283
Office Hours: M-F 8:30am - 5pm
https://www.alachuacounty.us/Depts/CSS/SocialServices/Pages/SocialServices.aspx

- Providing information and referrals, access to health services and short term financial assistance to low income residents of Alachua County

Alachua County Victim Services and Rape Crisis Center
218 SE 24th Street
Gainesville, FL 32641
352-264-6760 24 Hour Helpline
Office Hours: M-F 8:30am – 5pm
http://www.alachuacounty.us/Depts/CSS/VictimServices/Pages/VictimServices.aspx

- Providing services to survivors of interpersonal violence, sexual violence and personal injury crimes. This includes crisis intervention, criminal justice accompaniment, counseling, and assistance with victim compensation.
Alachua County Veteran Services  
218 SE 24th Street  
Gainesville, FL 32641  
(352) 264-6740  
Hours: M-F 8:30am – 5pm  
http://www.alachuacounty.us/Depts/CSS/Veterans/Pages/VeteransServices.aspx  
- Proving services to veterans and their families to determine eligibility and access to veterans’ benefit programs.

Catholic Charities  
1701 NE 9th Street  
Gainesville, FL 32609  
https://catholiccharitiesgainesville.org/  
(352) 372-0294  
Hours: M-Th 9:30am – 4pm  
- Providing emergency assistance with rent, utilities, & medications, food distribution, English language literacy instruction, and Bridges to Prosperity program that addresses overcoming poverty.

Center for Independent Living  
222 SW 36th Terrace  
Gainesville, FL 32607  
352-378-7474  
Hours: M-F 9am – 5pm  
http://cilncf.org/  
- Providing advocacy, information & referral services, independent living skills, peer support and transition services to individuals living with a disability.

ElderCare of Alachua County  
5701 NW 34th Blvd  
Gainesville, FL 32653  
352-265-9040  
Hours: M-F 8:30am – 5pm  
https://eldercare.ufhealth.org/  
- Providing Meals on Wheels, daycare for adults with Alzheimer’s disease, home based services, community based services.

Elder Options  
100 SW 75th Street, Suite 305  
Gainesville, FL 32607  
Elder Helpline: 1-800-96 ELDER (1-800-963-5337)  
Hours: M-F 8am – 5pm  
https://agingresources.org/  
- Providing options and benefits counseling through the Elder Helpline, SHINE program for health insurance assistance, SAVVY Caregiver Training, Care Transitions, and Healthy Aging Programs.

Gainesville Community Ministry  
238 SW 4th Ave.  
Gainesville, FL 32601  
352-372-8162
Hours: M-Th 9am – 2:45pm  
http://gcmhelp.org/home0.aspx
  
- Providing emergency food pantry, clothing, rent & utility assistance, GED prep, job counseling and walk-in medical clinic on Tuesday evenings.

**Peaceful Paths Domestic Abuse Network**  
2100 NW 53rd Avenue  
Gainesville, FL 32653  
24 Hour Helpline: 352-377-8255  
352-377-5690  
Office Hours: M-F 9am – 5pm  
http://www.peacefulpaths.org/  
  
- Providing emergency shelter, 24 hour helpline, victim advocacy, crisis counseling, restraining orders, support groups and community awareness programs for survivors of domestic violence.

**Pride Community Center**  
3131 NW 13th Street  
Gainesville, FL 3269  
352-377-8915  
Hours: M-F 3pm – 7pm; Sa 1pm – 4pm  
http://gainesvillepride.org/  
  
- Offering support, education, and events for LGBTQ+ individuals and the communities within North Central Florida.

**St. Francis House**  
413 South Main Street  
Gainesville, FL  32601  
352-378-9079  
Hours: M-F 8am -5pm; Living Facilities operate 24/7  
http://www.stfrancishousegnv.org  
  
- Providing emergency housing, transitional housing and support services for persons in need. Case management and referral services available.

**United Way of North Central Florida**  
6031 NW 1st Place  
Gainesville, FL 32607  
24 Hour Helpline: 211  
352-331-2800  
Hours: M-F 8:30am-5:00pm  
http://www.unitedwayncfl.org/  
  
- Offering programs that positively impact the education, health and financial stability for individuals within North Central Florida. The 2-1-1 24 Hour Helpline connects callers with local social service resources to meet their needs.

**STATE**

**Florida Department of Children and Families: Adult Protective Services**  
24 Hour Hotline: 1-800-96-ABUSE (1-800-962-2873)  
TTY: 1-800-955-8771  
http://www.myflfamilies.com
**Florida Department of Elder Affairs**  
Elder Helpline: 1-800-96-ELDER (1-800-963-5337)  
TDD: 1-800-453-5145  
[http://elderaffairs.state.fl.us/](http://elderaffairs.state.fl.us/)

**Florida Elder Law**  
[https://floridaelderlaw.org/](https://floridaelderlaw.org/)  
Elder Law Risk Detector:  
[https://probononet.neotalogic.com/a/doeafl](https://probononet.neotalogic.com/a/doeafl) (web-based assessment tool)

**Florida Long Term Care Ombudsman Program**  
1-888-831-0404  

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**Key Terms**

*“Abuse”* means any willful act or threatened act by a relative, caregiver, or household member which causes or is likely to cause significant impairment to a vulnerable adult’s physical, mental, or emotional health. Abuse includes acts and omissions. Fla. Stat. § 415.102(1)

*“Alleged perpetrator”* means a person who has been named by a reporter as the person responsible for abusing, neglecting, or exploiting a vulnerable adult. Fla. Stat. § 415.102(3)

*“Assault”* is an intentional, unlawful threat by word or act to do violence to the person of another, coupled with an apparent ability to do so, and doing some act which creates a well-founded fear in such other person that such violence is imminent. Fla. Stat. § 784.011(1)

*“Caregiver”* means a person who has been entrusted with or has assumed responsibility for the care or the property of an elderly person or disabled adult. “Caregiver” includes, but is not limited to, relatives, court-appointed or voluntary guardians, adult household members, neighbors, health care providers, and employees and volunteers of facilities as defined in subsection (7). Fla. Stat. § 825.101(2)

*“Domestic violence”* means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member. Fla. Stat. § 741.28(2)

*“Elderly person”* means a person 60 years of age or older who is suffering from the infirmities of aging as manifested by advanced age or organic brain damage, or other physical, mental, or emotional dysfunctioning, to the extent that the ability of the person to provide adequately for the person’s own care or protection is impaired. Fla. Stat. § 825.101(4)

*“Exploitation”* may include, but is not limited to: Breaches of fiduciary relationships, such as the misuse of a power of attorney or the abuse of guardianship duties, resulting in the unauthorized appropriation, sale, or transfer of property; Unauthorized taking of personal assets; Misappropriation, misuse, or transfer of moneys belonging to a vulnerable adult from a personal or joint account; or Intentional or negligent failure to effectively use a vulnerable adult’s income and assets for the necessities required for that person’s support and maintenance. Fla. Stat. § 415.102(8b)
“Exploitation of an elderly person or disabled adult” means:
(a) Knowingly obtaining or using, or endeavoring to obtain or use, an elderly person’s or disabled adult’s funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, by a person who: 1) stands in a position of trust and confidence with the elderly person or disabled adult; or 2) has a business relationship with the elderly person or disabled adult. Fla. Stat. § 825.103(1a)

“Fiduciary relationship” means a relationship based upon the trust and confidence of the vulnerable adult in the caregiver, relative, household member, or other person entrusted with the use or management of the property or assets of the vulnerable adult. The relationship exists where there is a special confidence reposed in one who in equity and good conscience is bound to act in good faith and with due regard to the interests of the vulnerable adult. For the purposes of this part, a fiduciary relationship may be formed by an informal agreement between the vulnerable adult and the other person and does not require a formal declaration or court order for its existence. A fiduciary relationship includes, but is not limited to, court-appointed or voluntary guardians, trustees, attorneys, or conservators of a vulnerable adult’s assets or property. Fla. Stat. § 415.102(11)

“Lacks capacity to consent” means an impairment by reason of mental illness, developmental disability, organic brain disorder, physical illness or disability, chronic use of drugs, chronic intoxication, short-term memory loss, or other cause, that causes an elderly person or disabled adult to lack sufficient understanding or capacity to make or communicate reasonable decisions concerning the elderly person’s or disabled adult’s person or property. Fla. Stat. § 825.101(8)

“Neglect” means the failure or omission on the part of the caregiver or vulnerable adult to provide the care, supervision, and services necessary to maintain the physical and mental health of the vulnerable adult, including, but not limited to, food, clothing, medicine, shelter, supervision, and medical services, which a prudent person would consider essential for the well-being of a vulnerable adult. Fla. Stat. § 415.102(16)

“Position of trust and confidence” with respect to an elderly person or a disabled adult means the position of a person who: Is a parent, spouse, adult child, or other relative by blood or marriage of the elderly person or disabled adult; Is a joint tenant or tenant in common with the elderly person or disabled adult; Has a legal or fiduciary relationship with the elderly person or disabled adult, including, but not limited to, a court-appointed or voluntary guardian, trustee, attorney, or conservator; Is a caregiver of the elderly person or disabled adult; or Is any other person who has been entrusted with or has assumed responsibility for the use or management of the elderly person’s or disabled adult’s funds, assets, or property. Fla. Stat. § 825.101(10)

“Repeat violence” means two incidents of violence or stalking committed by the respondent, one of which must have been within 6 months of the filing of the petition, which are directed against the petitioner or the petitioner’s immediate family member. Fla. Stat. § 784.046(1a)

“Sexual battery” means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual battery does not include an act done for a bona fide medical purpose. Fla. Stat. § 794.011(h)

“Vulnerable Adult” means a person 18 years of age or older whose ability to perform the normal activities of daily living or to provide for his or her own care or protection is impaired due to a mental, emotional, sensory, long-term physical, or developmental disability or dysfunction, or brain damage, or the infirmities of aging. Fla. Stat. § 415.102(28)
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<tr>
<th>Acronym</th>
<th>Full Form</th>
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<tr>
<td>AAA</td>
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<td>ADL</td>
<td>Activities of Daily Living</td>
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<td>ADV</td>
<td>Advocate</td>
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<td>ALF</td>
<td>Assisted Living Facility</td>
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<td>AHCA</td>
<td>Agency for Healthcare Administration</td>
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<td>AOA</td>
<td>Administration on Aging</td>
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<td>APS</td>
<td>Adult Protective Services</td>
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<td>Crisis Intervention Team</td>
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<td>Coordinated Community Response</td>
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<td>Department of Health</td>
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<td>U.S. Department of Justice</td>
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<td>Elder Abuse</td>
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<td>U.S. Government Accountability Office</td>
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<td>U.S. General Services Administration</td>
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<td>Lesbian, Gay, Bisexual, Transgender, Queer</td>
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<td>MDT</td>
<td>Multidisciplinary Team</td>
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<td>MOU</td>
<td>Memorandum of Understanding</td>
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<td>NCALL</td>
<td>National Clearinghouse on Abuse in Later Life</td>
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<td>OAA</td>
<td>Older American’s Act</td>
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<td>OJP</td>
<td>Office of Justice Programs</td>
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<td>OVC</td>
<td>Office for Victims of Crime</td>
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<td>OVW</td>
<td>Office on Violence Against Women</td>
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<td>Sexual Abuse/Sexual Assault</td>
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<td>Sexual Assault Nurse Examiner</td>
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<td>Sexual Assault Response Team</td>
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