

Intimate Partner Sexual Violence in Older Adults: Unique Impacts Of Social & Cultural Shifts On Elder Survivors

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Presenters

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- Jessica Volz, Clinical Director of Forensics, Adventist HealthCare Shady Grove Medical Center
- Ashley N. Young, Managing Attorney, Sexual Assault Legal Institute



Intimate Partner Violence, Sexual Assault and Older Adults

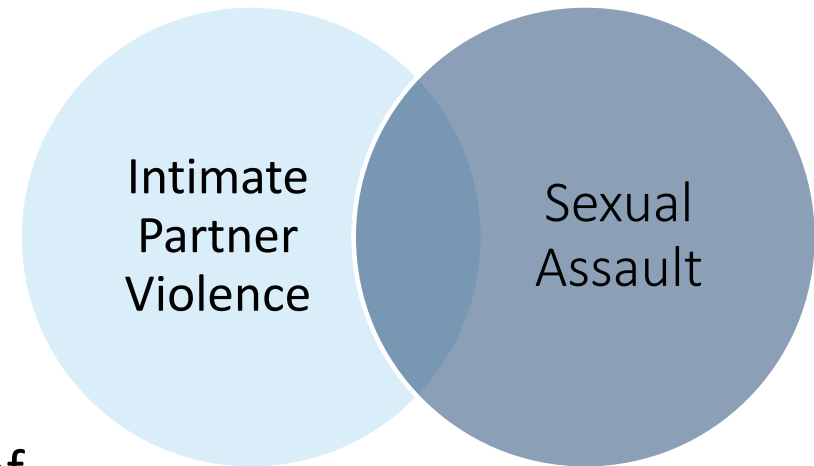
Chandra Dawson, LISW, LCSW
Deputy Director
DC Rape Crisis Center



The Intersection of Sexual Assault and Intimate Partner Violence

What is Sexual Violence/Assault (SA):

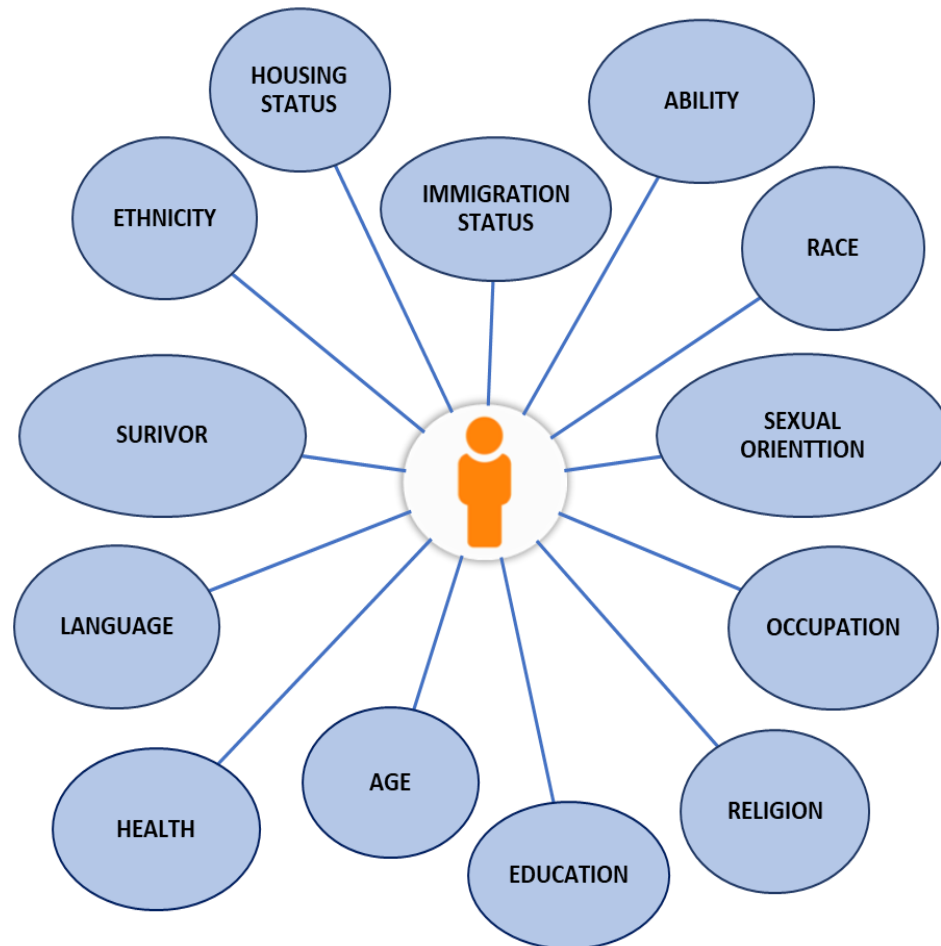
- ANY sexual act, contact or behavior done to someone without their *explicit consent* (DOJ, 2019).
- There is a continuum of sexual violence.
- **NOT** the same as Intimate Partner Violence (IPV)
- Within the context of IPV, sexual assault is a form/type of abuse/violence committed by the current or former spouse or intimate partner of the survivor – A form/type abuse within the intimate relationship
- Like SA, IPV involving SA is the exertion of power and control.
- May be coupled with other forms of IPV (e.g. financial, physical, verbal and/or emotional abuse).



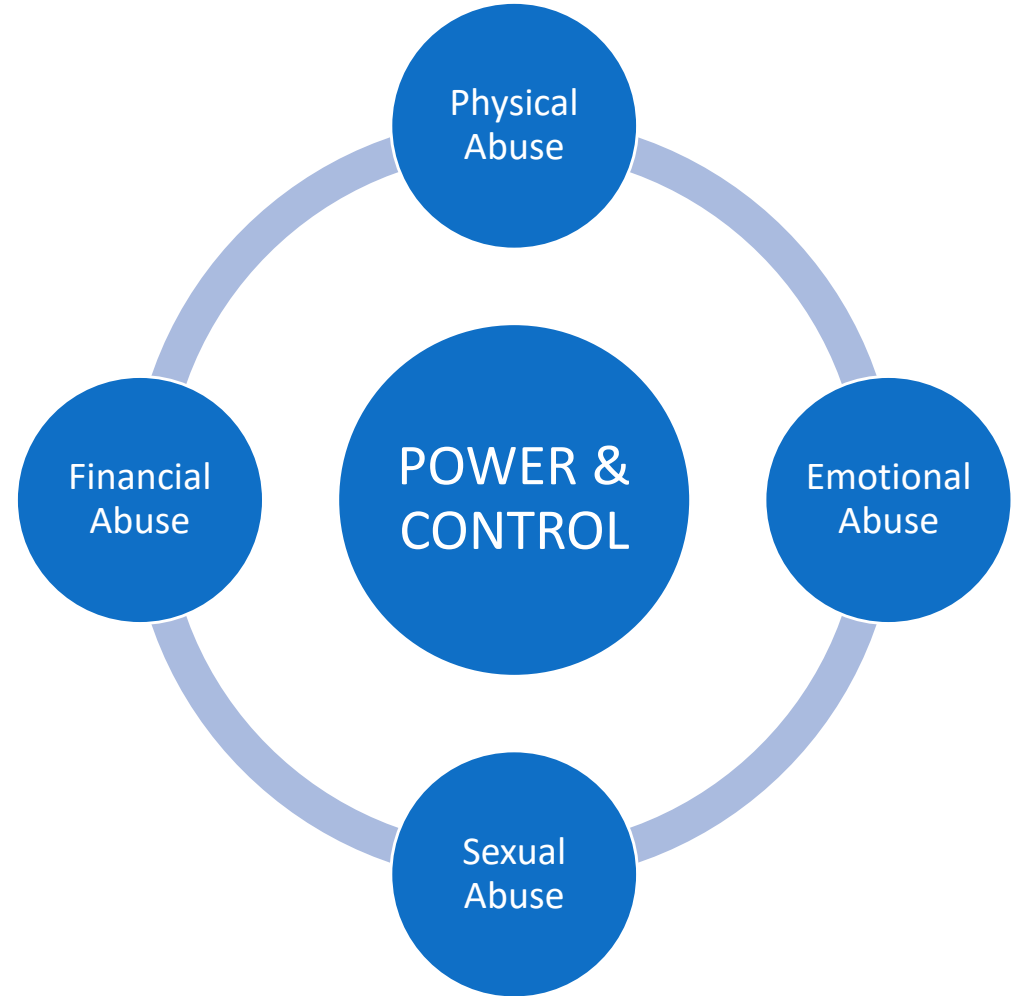
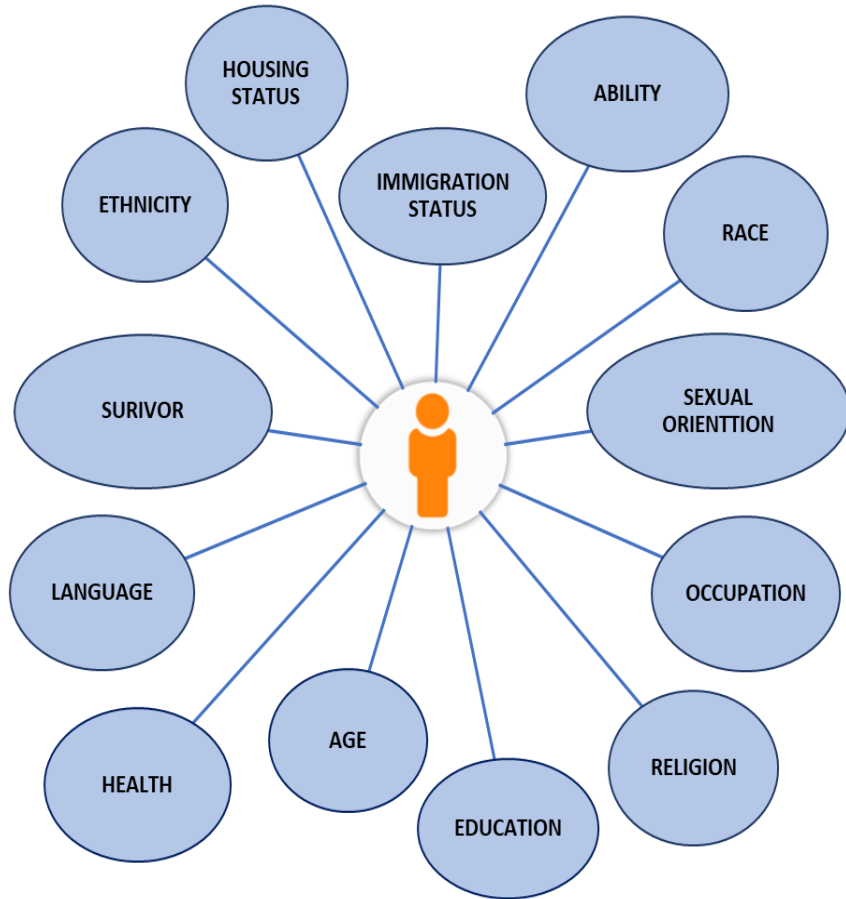
Older Adult Intimate Partner Violence/Sexual Assault Survivors

Who Are They:

- Individuals of a particular age group who have experienced sexual assault perpetrated by a current and/or previous intimate partner(s). They are also:
- Individuals with multiple interconnected identities that create systems of oppression and privilege
- Individuals that have experienced other forms of trauma that are interconnected
- Individuals with various identities AND trauma experiences that are connected.



Older Adult Intimate Partner Violence/Sexual Assault Survivors

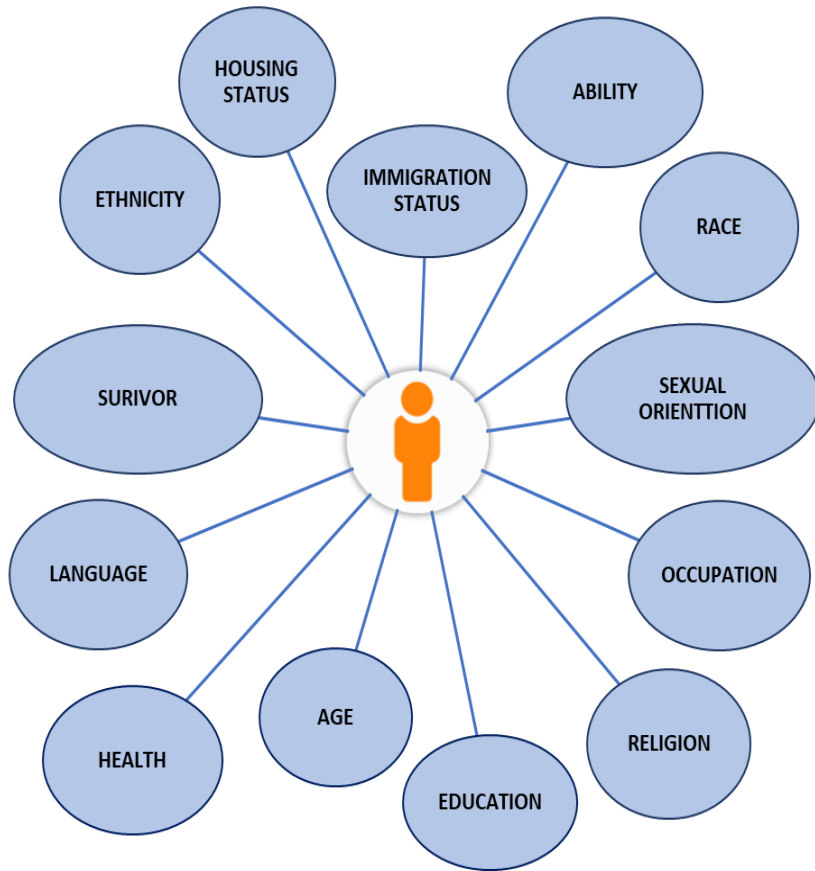


Mainstream
Margin

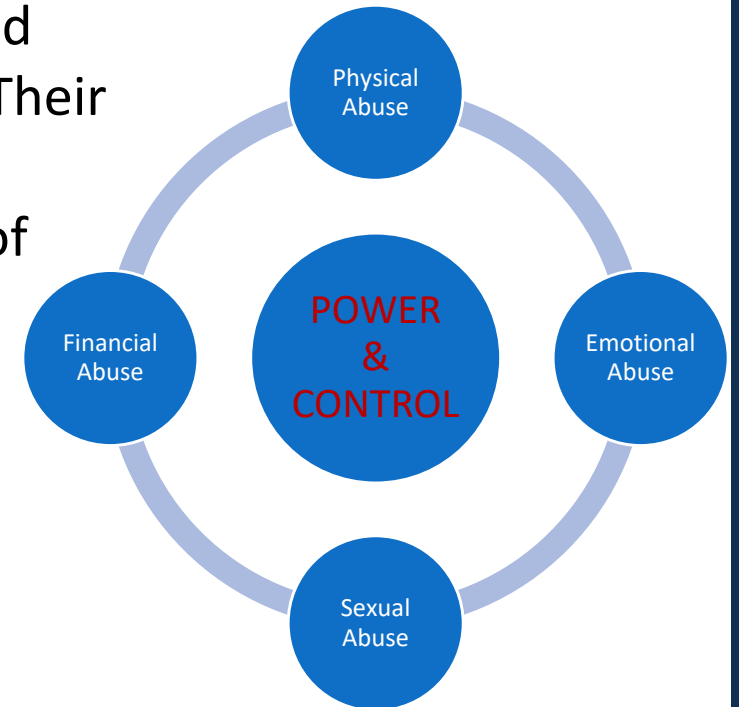


Power/Privilege
Oppression

Older Adult Intimate Partner Violence/Sexual Assault Survivors



- As a member of a marginalized age group, these survivors are experiencing societal oppression while concurrently experiencing other forms of victimization within both their intimate and non-intimate relationships. Their various identities make them vulnerable to various forms of abuse.



Mainstream Margin \longrightarrow Power/Privilege
 \longrightarrow **Oppression**

PREVENTION & INTERVENTION NEEDS

MICRO

MACRO

Assessment and intervention strategies/treatment modalities rooted in a culturally specific, survivor-centered intersectional framework – Population specific

System and organizational policies rooted in a culturally specific, survivor-centered intersectional framework – Population specific

Clinicians with specialized training to address the needs of survivors experiencing complex trauma and other Adverse Childhood Experiences (ACEs)

Increased advocacy centering the connection between childhood and adult victimization AND ACE's

Ongoing introspection and accountability amongst direct services providers & safety stewards (clinicians, nurses/doctors, police, aids, caseworkers and etc.) aimed to identify and address bias

Organizational leadership and supervision practices across systems and the aging stakeholder community that facilitates a organizational culture of cultural humility

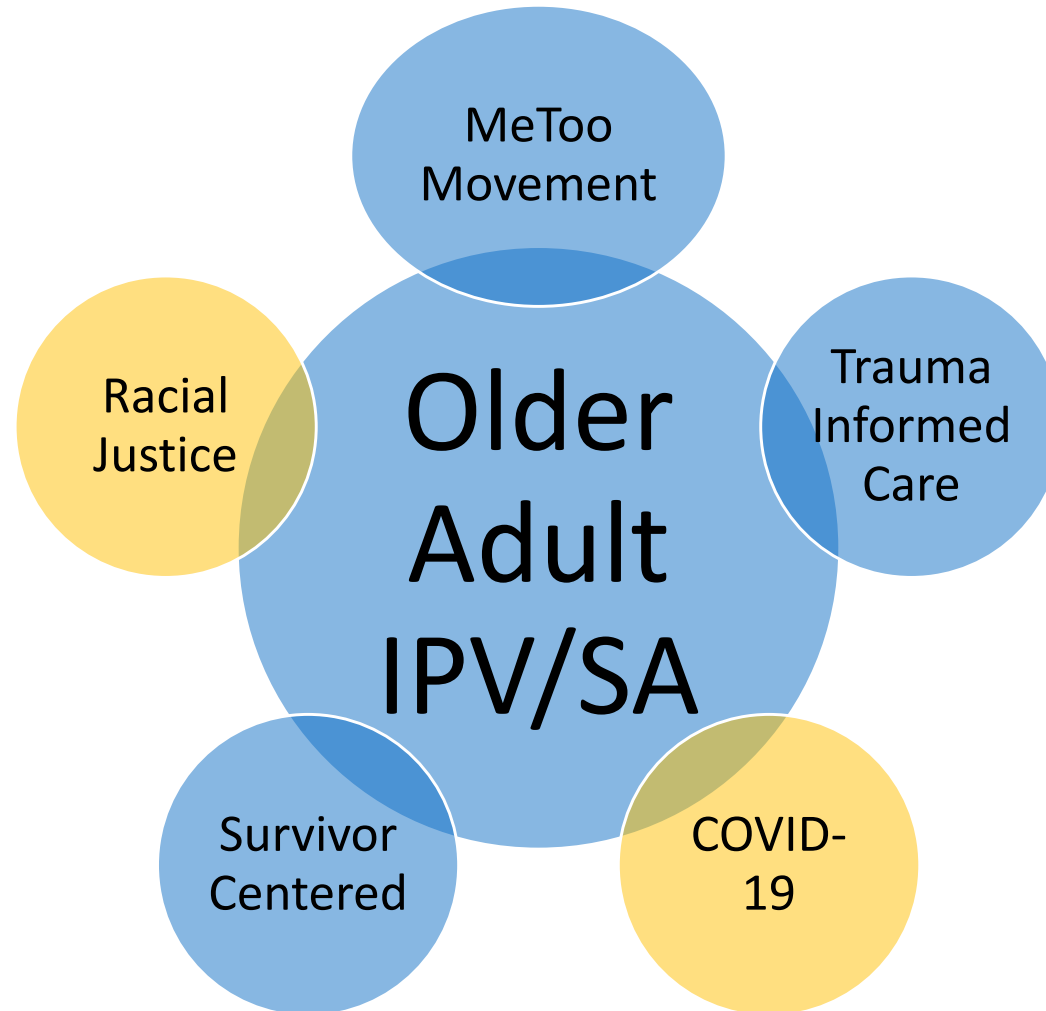
SA psycho-education provided to the aging community – Increased comfortability discussing healthy sexuality, boundaries and etc.

Increased funding addressing the SA prevention and intervention needs of the aging. Increased psycho-education provided to aging stakeholders and other populations

Interdisciplinary service teams providing direct services to address the unique prevention and intervention needs of those survivors with unique physical and cognitive needs

Collaborative service models involving the disability, behavioral health and Medicaid/Medicare community (e.g. co-located services, MOUs, multiple access points for “safety supports”, required training/monitoring of payees and guardians)

Older Adult Intimate Partner Violence/Sexual Assault Survivors



Older Adult Intimate Partner Violence/Sexual Assault Survivors



The DC Rape Crisis Center

Business: 202-232-0789

Hotline: 202-333-RAPE (7273)

www.dcrcc.org



Adventist HealthCare
Shady Grove Medical Center

Sexual Assault and Abuse Among the Older Adults

Jessica Volz DNP, CRNP, FNE A/P, FNP-BC, SANE-
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AdventistSGMC.com

Identification and Screening

- Screening Tools
 - Safety
- Ask the Right Questions
- Clinician Comfort
- Ability/Dependence
- Privacy
- Primary Care, Acute Care, Long-term Care



Disclosure of Child Sexual Abuse, Now What?

- Talking About It
- Answering Questions
- Referrals
- Mandatory Reporting



Unspoken Warning Signs

- Other forms of neglect or abuse
- Sudden behavioral changes
- Fear
- Medication mis-management
- Physical injury
- Malnutrition/Dehydration
- Sudden decline in cognition
- Physical condition



Barriers

- Age
- Generational Beliefs
- Cognition
- Physical Disability
- Culture
- Role Reversal
- Fear
- Disbelief



Health Consequences

- Short-term
 - Sexually Transmitted Infection
 - Physical Injury
 - Depression and Anxiety
- Long-term
 - Traumatic Brain Injury
 - Infection
 - Functional Decline
 - Depression and Anxiety
- ACES



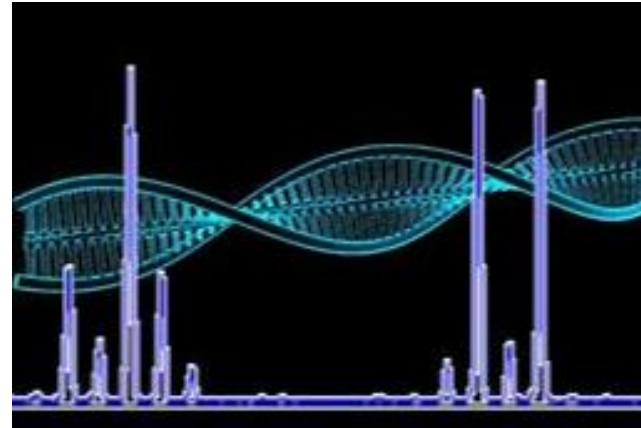
Medical Screening and Treatment

- Emergent Injury Treatment
- Laboratory Testing
- Radiology Testing
- Toxicology Testing
- Counsel on Risk
- Individualize Treatment



Parameters for Medical Forensic Examination: DNA and Injury

- Post-menopausal
- Oral: 24 hours
- Vaginal: Up to 15 days or 5 days
- Penile: 24- 72 hours
- Anal: 72 hours
- Saliva: 96 hours
- **Remember:** This is not the only purpose of the examination.
- **Remember:** These are guidelines.



Benefits of Specialized Care

- Clinicians experienced in providing trauma informed care
- Capture potential physical evidence
- Clinicians familiar with community resources and safety planning

Medical Forensic Exam: Special Considerations/Risk Factors

- Physical disability/ Functional Dependence
- Cognitive disability
- Age related physical changes and interpretation of injury
- Potential mechanisms of injury/mimics
- Impact of chronic disease processes
- Impact of medications/polypharmacy
- Decision making power
- Mandatory reporting
- Caregiver Dynamics
- Drug/Alcohol Abuse
- Hypersexuality



History Taking

- Past medical history
- Medications
- Surgical History
- Urological/Gynecological History
- Mental Health History
- History of Presenting Complaint: Patient, Caregivers, Team Members
- Cognitive Ability
- Caregiver Burden Scale
- Assessment for Risk Factors
- Establishing Cognitive Baseline

When You Can't Speak For Yourself

- Documentation of physical findings
- Identification of the red flag: Were there others?
- Identify what makes this person high risk
- Consistency in history/report from caregivers
- Performing the correct tests
- Working with Adult Protective Services



Diagnostic Testing

- Laboratory Testing
- Radiologic Testing
- Toxicology Testing



Safety Planning

- Team Effort
- Assess Knowns and Unknowns
- Assess Risk Factors
- Immediate Safety Needs vs Long-term Needs

For More Information

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Forensic Medical Unit
Phone: 240-826-6225
Fax: 240-826-5999
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Legal Options for Older Adult Sexual Assault Survivors

Ashley N. Young, Esq. Managing Attorney

Sexual Assault Legal Institute



Keep in mind...

Criminal

- State v. Defendant
- Victim is a Witness
- Beyond a Reasonable Doubt
- Imprisonment and/or Fine

Civil

- Plaintiff v. Defendant
- Petitioner v. Respondent
- Victim is a Party
- Preponderance or clear and convincing
- Money Damages and/or Injunction

Civil Legal Options

- Safety
- Privacy
- Financial Rehabilitation and Compensation
- Housing
- Immigration
- Employment
- Family Law

Safety

- Peace Orders
- Protective Orders

Peace and Protective Orders

- Eligibility
- Grounds
- Available Relief
- Duration

Eligibility

Protective Orders

- Current or former spouse
- Related by blood, marriage or adoption
- Parent or stepparent
- Child or stepchild
- Children in-common
- Vulnerable adult
- ***Person who had a sexual relationship with the respondent in the past year***
- ***New law! Petition based on sexual assault within past six months***

Peace Orders

- ← Anyone not named over there

Grounds

Protective Orders

- Serious bodily harm or fear of imminent serious bodily harm
- Assault
- Rape/sexual offense
- False imprisonment
- Stalking
- Abuse of a child
- Abuse of a vulnerable adult
- Revenge porn

Peace Orders

- All Protective Order grounds
- Harassment
- Trespass
- Malicious destruction of property

Vulnerable Adult Protective Order

- One category of a person eligible for relief for a protective order is a vulnerable adult.
- A vulnerable adult is defined as an adult who lacks the physical or mental capacity to provide for the adult's daily needs. FL Art. 14-101 (q).
- A vulnerable adult protective order may be brought by the State's Attorney, the Department of Social Services, a relative or another adult living in the home.
- The respondent in a vulnerable adult protective order does not have to be a relative, or in a relationship with the petitioner, but can also be a caregiver of the vulnerable adult.

Peace Orders

- ***Court must find respondent is likely to commit offense in the future***
- ***Offense must have occurred in the last 30 days***

Available Relief

Protective Orders

- Stay away
- No contact
- Order to vacate
- Temporary custody and visitation
- Emergency family maintenance
- Counseling
- Use and possession of home, car, pets
- Removal of firearms
- Any relief necessary to protect the survivor (catch-all)

Peace Orders

- Stay away
- No contact
- Counseling (rare)

Duration

- Protective Orders
 - One year
 - May be extended six months for “good cause”
 - May be extended up to two years for another act of abuse or by consent
 - May be permanent where respondent was convicted and sentenced to five years for same act of abuse
- Peace Orders
 - 6 months
 - Extended for six months for “good cause”

Process

- Interim (via commissioner)
- Temporary
- Service
- Final

Leases

(a) Termination. -- Subject to the requirements of subsections (b) and (c) of this section, a tenant may terminate the tenant's future liability under a residential lease if the tenant or legal occupant is:

- (1)** A victim of domestic violence; or
- (2)** A victim of sexual assault.

MD Real Property Code Ann. § 8-5A-02

Immigration

U Nonimmigrant Status

- *Gives a victim of serious crime who cooperates fully with law enforcement the right to live and work in US*
- *10,000 cap/year; waitlist is very long*

T Nonimmigrant Status

- *Gives a victims of Human Trafficking who cooperates fully with law enforcement the right to live and work in US*
- *10,000 cap/year; no waitlist*

VAWA Self- Petition

- *Allows spouse of LPR or US citizen who is a Survivor of domestic violence to remain in US independently of the abusive spouse*

Employment

- Administrative process, precursor to any litigation
- Federally: employer must have fifteen or more full-time employees. No longer the case for MD!
- Action is against the employer, not necessarily the perp
- Remedies include: firing persons responsible; updating complaint policies; award of lost wages; financial award

Employment

SALI will...

- Help survivor file claims with the Equal Employment Opportunity Commission (“EEOC”)
- OR, with the county equivalent (e.g. Montgomery County Office of Human Rights)
 - New law! Two-year deadline to file a complaint
 - Immigration status does not change right to bring complaint

Family Law

- Divorce
 - Not a no-fault state
 - Equitable distribution – not “community property”
- Child Custody
 - Rape survivor/TPO
- Child Support

Criminal System

Criminal

- State v. Defendant
- Victim is a Witness
- Beyond a Reasonable Doubt
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Civil

- Plaintiff v. Defendant
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- Victim is a Party
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Process

- Report
- Investigation
- Charges
- Prosecution

Charges

CRIME	ACT	FORCE	CONSENT	FACTORS	MAXIMUM PENALTY
RAPE First Degree	Vaginal intercourse or Sexual Act	Force or threat of force	Without consent	One or more aggravating factors	FELONY Life imprisonment or LWOP
RAPE Second Degree	Vaginal intercourse or Sexual Act	Force or threat of force	Without consent	Aggravating factors not necessary	FELONY Twenty years

Charges

CRIME	ACT	FORCE	CONSENT	FACTORS	MAXIMUM PENALTY
SEXUAL OFFENSE Third Degree	Sexual contact	Proof of force not required	Without consent	One or more aggravating factors	FELONY Ten years
SEXUAL OFFENSE Fourth Degree	Sexual contact	Proof of force not required	Without consent	Aggravating factors not necessary	MISDEMEANOR One year and/or \$1,000 fine

Charges

CRIME	ACT	FACTORS	PENALTY
STALKING	Malicious course of conduct that includes approaching or pursuing another	1) Intends, knows, or reasonably should know conduct would place another in fear of serious bodily injury, assault, rape or sexual offense, false imprisonment, or death OR 2) Intends, knows, or reasonably should know conduct would cause serious emotional distress	MISDEMEANOR 5 years and/or \$5,000 fine

Charges

CRIME	ACT	FACTORS	PENALTY
HARASSMENT	1) Following another in or about a public place OR 2) Maliciously engaging in a course of conduct that alarms or seriously annoys another	1) Intent to harass, alarm, or annoy the other 2) After receiving a reasonable warning or request to stop 3) Without legal purpose	MISDEMEANOR 90 days and/or \$500 fine 180 days and/or \$1,000 fine for subsequent convictions

Consent

- Capacity of the victim
 - Substantial Cognitive Impairment
 - Mental Incapacity
 - Physical Helplessness
- For capacity-based crimes consent is not an element
 - Includes: Rape in the Second Degree and Sexual Offense in the Third Degree

Historical Child Sex Abuse

- “Sexual abuse of a minor” is a crime that centers on the relationship that the person has with the victim
- Parent or other person with permanent or temporary care or custody or responsibility for supervising a minor
- No SOL in MD for felony sexual offenses; one year SOL for misdemeanor sex crimes.

Crime Victims' Rights

- Informed
- Present
- Heard
- Restitution
- Representation

CVR Representation

- Ensure/enforce your crime victim's rights
- Confidential/privileged resource to sort out relevant information (victim does NOT have attorney/client privilege with SAO)
- Protect privacy of records that Defense wants to use in court (e.g. medical, educational, immigration)

Financial Rehabilitation & Restitution

- Financial exploitation is common in victims of sexual assault
- Financial safety planning is essential
- Legal options in different civil cases can include emergency family maintenance, alimony, child support, monetary award, use and possession of family home or car among other options.

- All crime victims have the right to ask for restitution
- Must have provable expenses
- Does not cover emotional distress

CICB

- Victims of violent crimes and sexual assault may file for compensation
- Must report crime (can be done via SAFE exam) and cooperate with law enforcement (conviction not necessary)
- Provable expenses only – no emotional distress
- Reimbursement for: medical bills (including therapy), crime scene clean-up, funeral costs, lost wages e.g.
- Not included: damaged property; court fees; moving costs
- New law extends filing deadlines of sexual assault survivors (3-year time limitation waived for “good cause”)

Common Torts

- Assault – 1 year
- Battery – 3 years
- Child Sexual Abuse – (SOL now until child turns 38 if they were under 25 as of October 1, 2017)

Other Older Adult Legal Considerations

- Power of Attorney/Advanced Directives/Estate Planning
 - Relative or trusted person can make certain decisions on behalf of the vulnerable adult.
 - Must choose the right agent.
- Guardianship
 - Petition the Court to appoint a guardian when the vulnerable adult is unable to take care of their personal or financial needs.
- Bankruptcy and other financial remedies

Call SALI!

- **Victim/Survivors can call:**
 - **301-565-2277**
 - **877-496-SALI (toll-free)**
- **SALI also provides legal technical assistance for advocates and professionals working with survivors**

Maryland Coalition Against Sexual Assault & Sexual Assault Legal Institute

MCASA

(301) 328-7023

SALI

(301) 565-2277

Website

mcasa.org



CONTACT INFO

Questions?

Please post questions and comments in the chat



Thank you!

Please fill out the evaluation

