

# FAUSONE BOHN, LLP

## Protecting Seniors

You can seek both civil and criminal charges against a nursing home or other long-term care facility, or individual employees that abuse or harm seniors. Resources make it difficult for a prosecutor to take every complaint to a criminal case. However, you should still report your case to the authorities. You should also call an Elder Abuse attorney to initiate a civil lawsuit to seek justice and compensation.

### Civil Actions Available to Victims

- Intentional Torts: assault, battery, intention to inflict emotional distress.
- Wrongful Death: such claims can be brought by close relatives.
- Negligence: failure to administer proper care, or the failure to use reasonable care that results in an injury to the nursing home or long-term care facility resident.
- Breach of Contract: a nursing home or care facility will enter into a contract with a resident, which sets out what services will be provided and their cost. If any alleged abuse or neglect violates the contract, the facility will also be liable for that breach of contract.
- Fraud/Theft: when an employee of the nursing home or long-term care facility knowingly provides false information and that false information results in harm to the resident, likely financial harm; or, the taking of the resident's personal property.
- Medical Malpractice: a form of "professional negligence" committed by a health care provider, where the treatment provided is below the acceptable standards of the medical community and it results in injury or death to the patient.

If you suspect your loved one has been subject to any treatment described above, you should take pictures of any injuries and document any details known about the incident. You should also report the incident to your local police or sheriff, or the Michigan State Police.

**Daniel J. Williams, Elder Abuse Attorney**

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## **Criminal Charges Available to Victims**

Examples of crimes against “vulnerable adults” in Michigan, which can be the basis for both civil and criminal complaints, include both physical (i.e. assault, abuse, neglect) and financial offenses. A vulnerable adult is an individual, age 18 or over who, because of a disability, requires personal care or cannot live independently. This definition includes residents of nursing homes and other long-term care facilities.

Examples of crimes against nursing home or long-term care facility residents include:

### **Physical or Mental Harm:**

- Abuse: intentional acts, or reckless acts, which result in physical or mental harm.
- Retaliation: discrimination against a resident for filing a complaint against the care facility, testifying against the facility, or calling local authorities.
- Obstructing an investigation of a care facility.
- Crimes of assault and battery, and murder.
- Rape and improper sexual conduct.

### **Financial Crimes:**

- Obtaining a resident’s money or property by fraud, deceit, misrepresentation, or coercion.
- Obtaining a resident’s signature on a forged written instrument, and forgery of records.
- Improperly obtaining a “gift” or “loan” from a resident through false pretenses.
- Theft of personal property (i.e. larceny, or robbery).
- Improper charges to a resident’s account, credit card, or using personal information to illegally obtain credit cards, etc., resulting in identity theft.

### **About Daniel:**

*Daniel Williams served as a prosecuting attorney in Wayne County’s Elder Abuse Unit, where he fought for the rights of Michigan seniors. Today, Daniel serves as an assistant prosecuting attorney with the City of Westland, and Daniel continues to advocate for seniors’ rights with Fausone Bohn, LLP’s Elder Law practice. With his substantial trial experience, Daniel is prepared to take any case to trial for a client, if necessary.*