

Jonathan Rosenfeld's Nursing Homes Abuse Blog

The Real Devastation Associated With Sex Abuse In Nursing Home Will Never Be Known As Most Acts Go Unreported & Unprosecuted

Posted at 4:15 AM on May 13, 2010 by Jonathan Rosenfeld

The overwhelming majority of sex abuse cases involving nursing home patients go unreported to authorities and hence un-prosecuted according to a recent [news story](#) on the topic by WKYC, a Cleveland, OH television station.

In evaluating the sex abuse complaints made to the Ohio Department of health, the regulatory agency for nursing homes, just a handful of the 324 complaints made regarding rape and sexual abuse of patients in nursing homes and other long-term care facilities resulted in a conviction.

One of the biggest hurdles for prosecutors of sexual abuse cases is the victims inability to testify. According to Ohio Attorney General Richard Cordray, "[i]t's hard to get victims who can hold up on the stand. It's hard to verify when some of the elderly victims (are abuse because) their memories aren't good"

Residents in long-term care facilities are usually victimized by staff at the facility or by their fellow residents. Thankfully, most states utilize criminal background checks to screen all employees prior to hire. Unfortunately, few states -- and even fewer nursing homes conduct background checks on new patients.

The reality is that it is very much in the hands of the nursing homes as to how they wish to tackle problems involving sex crimes in their facilities. Unlike the investigation of a crime in other situations, it is almost completely up to staff at the facility to report the act in the first place. Unfortunately, by the time authorities are called in vital physical evidence may have been intentionally or unintentionally destroyed or altered further compromising the investigative process.

Jonathan Rosenfeld represents victims of nursing home abuse and neglect throughout the country. For more information please visit Nursing Homes Abuse Blog (www.nursinghomesabuseblog.com), Bed Sore FAQ (www.bedsorefaq.com) or call Jonathan directly at (888) 424-5757.

Unfortunately, the same hurdles that apply to the prosecution of criminal cases are presented in civil lawsuits against facilities where a sexual assault may have occurred. As a lawyer who has worked on cases involving sexual abuse at various institutions, we are very much reliant on the physical evidence gathered by police during an investigation in order to prove our case. Further, civil cases can be difficult because you generally must prove the facility had actual or constructive notice of the offender's conduct to recover damages against the facility itself.

Recognizing Sexual Abuse

Families and caregivers can be extremely important in identifying situations where sexual abuse may have occurred. Unlike other types of trauma, where the injury may outwardly manifest itself, cases involving sexual abuse tend to be subtle.

If you suspect something is wrong, it very well maybe and the situation should be reported to law enforcement immediately. The following are signs of sexual abuse that merit further investigation:

- Sudden emotional withdrawal
- Unusual behavior around certain staff or patients
- Bloody clothing or bed sheet
- Sexual transmitted disease
- Sudden aggression or outbursts

Related:

[Sexual Assaults In Nursing Homes, Not Exactly A Pleasant Topic-- But Is An Issue That Needs Attention](#)

[CNA Charged With The Rape Of An Elderly Woman In An Assisted Living Facility](#)

[Nursing Home Operator And CNA's Named As Defendants In Civil Lawsuit After Sex Abuse Scandal](#)

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[Lawsuit Claims That Nursing Home Failed To Intervene In Case Involving The Sexual Abuse Of A Patient](#)

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