



# Financial Exploitation

## Transfer of Learning Guide

Version 2010

We create experiences that transform the heart, mind and practice.

# Financial Exploitation

## Module 12: Financial Exploitation

### The Topic: Financial Exploitation.



Recent studies indicate that the prevalence of financial exploitation is very high but it is rarely reported. According to the National Elder Mistreatment Study published by the National Institute of Justice in 2009, 1 in 20 older adults indicated some form of perceived financial mistreatment by family members occurring at least one time in the recent past. Financial abuse has been reaching the awareness of the general public with the cases of Brooke Astor and Mickey Rooney. There has been a substantial increase in reports of financial abuse to APS programs and workers must have the knowledge and the skills to be able to conduct quality investigations in response to allegations of financial abuse.



### Learning Objectives:

By the end of this training, participants will be able to:

- Describe common victim and perpetrator characteristics of financial exploitation.
- Identify and discuss at least six (6) indicators of financial exploitation.
- Define “undue influence” and its impact on decision-making.
- mental capacity and discuss the intersection between capacity and undue influence in financial exploitation cases.
- Discuss the primary components of a financial exploitation investigation and discuss why it’s important to always “follow the money”.
- Identify the common challenges encountered during a financial exploitation investigation and discuss strategies to overcoming challenges.
- Discuss two (2) methods used in the prevention of financial exploitation.

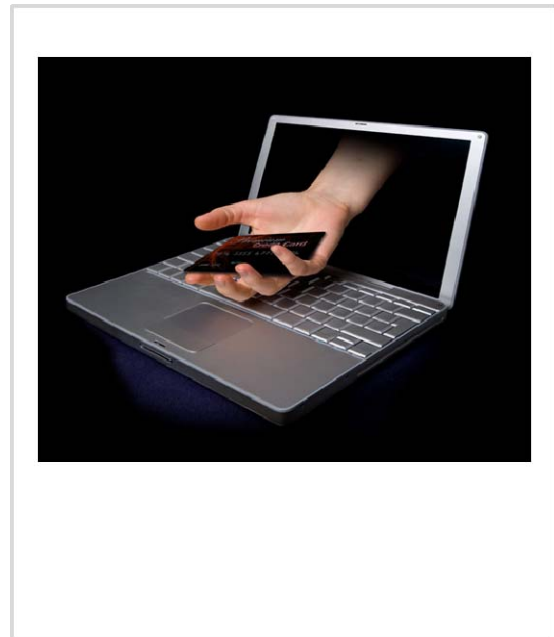
**Supervisor Activities:** The following pages contain a variety of activities that may be used with new workers and processed in individual or group supervision. Please read the Financial Exploitation Trainer’s Manual as it will give you a wealth of didactic material and resources to support these activities

# Financial Exploitation

## Discussion Questions: Introduction to Financial Exploitation

1. Money is symbolic in our culture and in other cultures. Can you think of different meanings that money may have to different people? *(survival, security, freedom of choice, pleasure, love, power, prestige, compensation, self-development, independence)*
2. Money is a complex subject that is sometimes difficult to broach with a client (or even a loved one). Why do you think that is true? *(Money is linked to complex emotions, feelings and behaviors. We has "money messages" that are based on past experiences, what we observed and what we were taught. These money messages reflect the attitudes, perceptions and expectations that influence our financial behaviors today).*
3. What are some of the influences on how we perceive money? *(culture, socio-economic status, generational experience such as living through the Depression, family values, stage in life cycle, societal attitudes )*

4. Have worker read the definitions of financial exploitation from your statute and follow up with the following questions: *(the answers depend on your state statute so they are not included here)*
  - According to what you read, how would you define financial exploitation?
  - What are some of the legal implications of substantiated financial exploitation?
  - What would be the red flags in an APS report that would indicate that an investigation should take place?



# Financial Exploitation

Written Activity, Knowledge Quiz: Describe common victim and perpetrator characteristics of financial exploitation

	Question	True	False
1	Most reports of financial exploitation are initiated by the victim		
2	It is estimated that 1 in 14 cases of financial exploitation is reported.		
3	Ageism can be a factor in financial exploitation		
4	Elders who do not speak English are connected to their community and therefore are less likely to be exploited		
5	Many people believe that finances are a private matter		
6	Documentation status may keep elders or families from seeking help.		
7	Older victims are the first to blame their exploiters, especially if they are family members		
8	Victims often will protect the abuser		

List the barriers that would keep an older victim from reporting?

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

# Financial Exploitation

## Written Activity, Knowledge Quiz:

Describe common victim and perpetrator characteristics of financial exploitation

### Answer Key

#### Questions

1. **False:** Financial Exploitation is usually reported by someone other than the victim.
2. **True:** Estimate based on research studies.
3. **True:** Devaluation and lack of respect for older adults and persons with disabilities
4. **False:** Older generation not fluent in English and relying on family members or friends to complete forms and transactions; creating isolation and vulnerability.
5. **True:** Privacy around financial matters is quite common. Often finances are a taboo subject in families and are not discussed outside of the family.
6. **True:** Many elders are brought to this country by adult children and wind up dependent on them and fearful of the consequences of the government finding out about their situation.
7. **False:** Most older victims blame themselves for the financial exploitation and therefore tolerate it
8. **True:** Many victims want to get help for the abuser and do not want the abuser to get in trouble.

## Barriers

**Fear** (of retaliation by abuser, of losing the affection/care of the abuser, of not being believed, of being institutionalized or separated from family and familiar things, of the criminal justice system, of loneliness, of the unknown)

**Protecting the Abuser** (guilt and shame in being abused by one's own child or by a trusted caregiver, protectiveness and/or the desire to get help for family member)

**Social Isolation** (often live alone, or with family members and don't interact with others in the community)

**Self-Blame/Denial** (blame themselves for the abuse, or they tolerate and accept the abuse)

**Inability to Report** (due to mental impairments such as dementia or physical impairments which may affect the victim's ability to get to the phone or leave the home to report abuse, or a stroke may affect their ability to communicate.



# Financial Exploitation

## On the Job Training:

Identify and discuss at least six (6) indicators of financial exploitation, Describe common victim and perpetrator characteristics of financial exploitation

1. Have the worker read case records where financial exploitation was indicated/substantiated. From what they read, have them make a list of indicators. After they submit the list to you, share the Indicators of Financial Exploitation handout with them and compare.
2. From the case records reviewed, have them make a list of types of perpetrators they find (family member, friends, care providers, fiduciaries, etc.) Ask what these
3. Share Handout # 3: Who are the Victims? .Using that handout, have them read case records and explore what risk factors those victims had for financial exploitation (over age 75, socially isolated, dependent, frail, mentally or physically ill, female, low to moderate financial resources).
4. If your APS program requires investigation of financial crimes by perpetrators not know to victims, have worker research types of sweepstakes/ lottery scams and other types of confidence scams. Ask them to list the types of scams

and explain them to you or to peers at a unit meeting. If shared at a unit meeting, have more experienced workers share their challenges working with those types of crimes.

5. Show segment from the US Postal Inspection Service video – Dialing for Dollars: Telemarketing Fraud. <http://www.youtube.com/watch?v=wJb6ou60i58> Segment runs approximately 6 minutes. It shows a retired man being pressured into “investing” more money into “stock” by his “broker” who is king of the telemarketing boiler room.

Allow a few minutes to debrief the video as it will stimulate conversation. APS jurisdiction may come up - APS would refer to law enforcement (local, FBI, Secret Service), and may partner with victim services and credit services in a case like this.



# Financial Exploitation

## Analysis Activity:

Define “undue influence” and its impact on decision-making.

## Mental Incapacity, Undue Influence, or Free Choice: What’s Going On?

**M**r. Jones, age 85, has been a widower for 20 years. He has a good income and rich portfolio. Recently he appeared at a family function with a beautiful 32 year old woman and announced to his children and grandchildren his plans to marry. He informed his family that he would be changing his will to make his new wife beneficiary. The family was outraged and convinced that Mr. Jones has lost his mind and is being exploited. They report the situation to APS.



What is your first reaction?

What information do you need to assess this situation?

*To help new workers begin thinking about undue influence, share the following scenario and ask for their gut reaction. That will give you a sense of their thinking process and perhaps some assumptions they may have about the situation. Ask them what led them to that reaction and discuss the need to have complete information before any decisions are made.*

*The information needed to assess the situation may include:*

- *Physical and mental status of Mr. Jones*
- *Previous medical or psychiatric history*
- *Relationship between Mr. Jones and his children/grandchildren (closeness, distance, history of conflict, etc)*
- *Motivation of family members (concern for Mr. Jones, concern for their inheritance, etc)*
- *Relationship between Mr. Jones and his new fiancée (her background/history, when/how did they meet)*
- *History /background of new fiancée*

*You might ask new workers what questions they would ask or how they would ascertain the information (interview him alone, observe the interactions, document how he expresses his wishes)*

**Option 2: If new workers have not taken the in-class training module, you may use this case study as an alternative**

# Financial Exploitation

## Activity 3 Use/Misuse of Influence

**M**rs. Doe, who was living in her own home independently, suffered a stroke and now requires assistance with bathing, cooking, cleaning, transportation to appointments and shopping. Mrs. Doe did not suffer cognitive damage from her stroke. Her daughter decides to leave her job and move in with her mother to help her and drive her to appointments.

During a trip to a doctor's appointment, the car gets a flat tire. When the daughter takes it to the tire store to get it fixed, she discovers that her tires are bald and all four need to be replaced. This is an expense that she had not budgeted for and since she is not working, the daughter asks her mother to pay for the tires since the car is primarily used as transport for her mother. Mrs. Doe agrees.

Six months later, the car starts making a knocking noise. When the daughter takes the car in for repair, she finds out the car needs a really expensive part - and with labor, it's more than she can afford. The daughter asks her mother to help

her pay for the repairs. Mrs. Doe pays for more than half of the bill.

A few weeks later, the car won't start. After further inspection, the engine has died and needs to be replaced. The cost of parts and labor is more than the car is worth - the daughter decides she needs a new car. She asks her mom to buy her the new car so she can keep taking her to her appointments. Mrs. Doe agrees. The daughter then tells her mother she wants to upgrade; she wants a an expensive sports car...



### Questions for participants to consider:

- Is the daughter crossing the line and misusing her influence?
- In your opinion, when did she cross the line?
- In your job as an APS worker, where do you have influence over others? Do you ever put pressure on a client or colleague to act in a certain way or make a "better" decision?



# Financial Exploitation

**Case Vignettes: Identify the components of mental capacity and discuss the intersection between capacity and undue influence in financial exploitation cases.**

Share **handout #4 (Factors Affecting Decisional Impairment in APS Clients)**. Explain that determining if a client has the capacity to make decisions is crucial to intervention. We are assuming that your new workers have had training in their responsibilities and know where to go to get assistance in determining capacity. Workers should be familiar with the assessment process, screening tools, and their legal responsibilities and limitations in this area. This varies from state to state.



Review the National Committee for the Prevention of Elder Abuse (NCPEA) definition and the legal elements of consent:

- Consent is when someone accepts or agrees to something that somebody else proposes. *For example: Mrs. Doe case scenario - The Daughter is asking if it's okay if she pays for tires.*

For consent to be legal and proper - the person consenting needs to have sufficient mental capacity to understand the implications and ramifications of his or her actions.

- Legal Elements of Consent:
  - Mental Capacity
  - Knowledge of the true nature of the act/transaction. *For example: Mrs. Doe had to understand the money was for the tires, tires for the car, car takes her to doctor's appointments.*
  - Act freely and voluntarily

If the workers have not taken the in-class module, you may use the following vignettes. The questions to ask and the answers follow.

# Financial Exploitation

## Case Scenario 1

**C**lient is 75 years old and diagnosed with Paranoid Schizophrenia. Client receives Social Security and a small pension from her deceased husband. Client is known to wander the streets of her neighborhood at all hours of the day and night. She is frequently found barefoot, in threadbare clothing in subfreezing temperatures. When asked about this behavior, she states that she wants to be barefoot because it helps keep the demons out of her feet. The client appears to be underweight. Client lives with her daughter, who has been unemployed for several years and does not contribute monetarily to household expenses. The daughter is the client's rep payee and recently bought a sports car.



## Case Scenario 2

**C**lient is a 32-year-old female with mild-moderate mental retardation. She has lived in a group home most of her life and never handled her own money, but recently her sister took her home to live with her and became her rep payee. The sister has a history of substance abuse and was recently put on unpaid leave from her job. The sister is verbally abusive and neglectful in her supervision. Client needs prompting to perform her ADL's and IADL's, and will only eat candy unless prompted otherwise. Client states she eats candy because that's all she can find in the kitchen and she's hungry. Client refuses to leave her sister, stating that she loves her very much and does not ever want to live in a group home again. Client states her sister told her to not tell anyone about the money game.



# Financial Exploitation



### Case Scenario 3

Client is an 80 year old widow who lives in a rundown neighborhood with a great deal of gang activity. She was prescribed several medications for high blood pressure and a heart condition. Her sight and hearing are also very impaired. She received a diagnosis of early dementia three years ago and sometimes forgets to take her medication and lock her doors. Client has lived in the same house all her life and refuses to leave it. She continues to walk to the corner store (a known “hang out” for drug dealers) on a daily basis and has recently befriended a young woman. The client states that this is her adopted “granddaughter” and now she has someone to take care of her. The woman and her boyfriend moved in with the client shortly after they met and the woman now does all the banking for the client.

### Case Scenario 4

Client is an 85 year old widower on SSI. His health is failing and his memory and judgment appear to be impaired. He has a son who drops in twice a month but it is apparent from the condition of his apartment that he is living in deplorable conditions and needs supervision and care. The landlord has served the client with an eviction notice because he stopped paying rent 3 months ago and his neighbors are complaining about the smells emanating from the apartment. The client states he doesn’t need to move because he received a letter stating that he won the Canadian lottery and now he will be rich since he sent the \$500 check the lottery people want to release his prize.



# Financial Exploitation

## Questions and Possible Answers for Vignettes

### Case Scenario 1



Question 1 – Identify the most salient factor that may be affecting the client’s decision making capacity in this case.

*(Answer - Serious mental illness with hallucinations not controlled by medication)*

Question 2 – Identify the strongest behavioral indicator that the client may be vulnerable to financial exploitation.

*(Answer - Client wanders the streets barefoot day and night)*

Question 3 – Identify the strongest indicator that the daughter may be financially exploiting the client

*(Answer - Daughter is unemployed without any visible means of income, serves as client’s rep payee and recently bought a sports car.)*

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### Case Scenario 2

Question 1 – Identify the most salient factor that may be affecting the client’s decision making capacity in this case.

*(Answer - Mild to moderate mental retardation – needs prompting for ADL’s, IADL’s – may not be able to understand consequences of decisions, never trained to handled money)*



Question 2 – Identify the strongest behavioral indicator that the client may be vulnerable to financial exploitation.

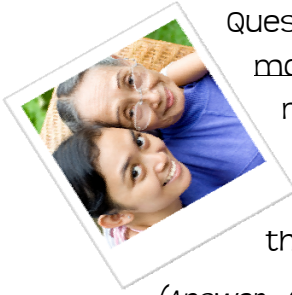
*(Answer - Eats candy if that’s all she can find – seems unaware of current financial situation.)*

Questions 3 – Identify the strongest indicator that the sister may be financially exploiting the client

*(Answer - Sister has history of substance abuse, is on unpaid leave and is client’s rep payee.)*

# Financial Exploitation

## Case Scenario 3



Question 1 – Identify the most salient factor that may be affecting the client’s decision making capacity in this case.

*(Answer - Given DX of dementia three years earlier as well as other health issues, client may not understand the consequences of her decisions.)*

Question 2 – Identify the strongest behavioral indicator that the client may be vulnerable to financial exploitation.

*(Answer - Client not able to handle finances and allowed young woman to have access to her bank accounts.)*

Question 3 – Identify the strongest indicator that the young woman may be financially exploiting the client

*(Answer - Young woman moves into client’s home (with boyfriend) and takes control of client’s finances.)*

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## Case Scenario 4

Question 1 – Identify the most salient factor that may be affecting the client’s decision making capacity in this case.



*(Answer - Failing health and impaired memory and judgment.)*

Question 2 – Identify the strongest behavioral indicator that the client may be vulnerable to financial exploitation.

*(Answer - Not paying rent, sending money to fictitious lottery)*

Question 3 – Identify the strongest indicator that the client may be being financially exploited.

*(Answer - Client received letter requesting \$500 and he sent it.)*

# Financial Exploitation

## On the Job Training

Identify the components of mental capacity and discuss the intersection between capacity and undue influence in financial exploitation cases

Review the definition of undue influence: *“Persuasion, pressure, or influence short of actual force, but stronger than mere advice, that so overpowers the dominated party’s free will or judgment that he or she cannot act intelligently and voluntarily, but acts, instead, subject to the will or purposes of the dominating party.”*

Perpetrators may use an array of techniques to gain power over the victim's decision-making and ensure compliance. These include isolating the victim, promoting dependency, and inducing fear and distrust of others. In addition, exploiters will apply pressure tactics, prevent or deter victims from consulting or seeking advice from trusted advisors, friends, and family, and urge the victim to act immediately.

The result is while the victim may appear to have given consent, in reality the victim’s free will was overborne through the use of these tactics. This is then not real consent but instead is “apparent consent.”

New workers should be aware of the following:

- The victim and exploiter are often in an ongoing relationship
- Exploiters may target and groom their victims
- Exploiters are generally subtle in their exploitation of their victims
- Exploiters are often charming manipulators
- Exploiters justify their actions through various excuses (e.g. “he wanted me to have that money” or “she wanted me to have those tires”)
- Victims often appear as willing participants

## Part 1

New workers must be able to identify behaviors and actions that indicate if undue influence has taken place. Share a copy of the undue influence wheel. Explain that each spoke contains a tactic that exploiters use with their victims. Tell new workers that they are to identify at least 3 behaviors and actions that exploiter could use for each tactic in the spokes. They can get that information by using their own analytic skills, by interviewing more experienced workers, by reading case records, or by doing internet research.

# Financial Exploitation

Directions: Identify at least 3 behaviors and actions that an exploiter could use for each tactic

Prey on Vulnerabilities \_\_\_\_\_

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Create Dependences \_\_\_\_\_

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Create Lack of Faith in Own Abilities \_\_\_\_\_

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Induce Shame and Secrecy \_\_\_\_\_

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Occasionally Act Kind \_\_\_\_\_

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Keep Unaware \_\_\_\_\_

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Isolate from others \_\_\_\_\_

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Create Fear \_\_\_\_\_

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# Financial Exploitation

*Possible answers include:*

*Isolate from others and information:*

- *Monitor correspondences*
- *Perpetrator constantly accompanying the victim places*
- *Doesn't allow visits from family and/or friends*

*Create fear:*

- *Threaten placement*
- *Harm family or pet*
- *Claim no one loves them but the perpetrator*

*Prey on vulnerabilities:*

- *Offer companionship*
- *Offer sympathy and support*
- *Perpetrator endears themselves to victim*

*Create dependencies:*

- *Take over finances/paying bills*
- *Take control of transportation*
- *Take control over errands*

*Create lack of faith in own abilities:*

- *Point out mistakes*
- *Emphasize the potential for mistakes so perpetrator does task for victim*
- *Point out mental or physical deficits*

*Induce shame and secrecy:*

- *Secrecy over incontinence or other deficits*
- *Blackmail or hold information as blackmail*
- *Belittle victim for mental or physical deficits*

*Performs intermittent acts of kindness:*

- *Cook food/bring food*
- *Do errands*
- *Giving gifts or taking victim to movie/dinner*

*Keep unaware*

- *Intercept all correspondence*
- *Down play expenses*
- *Making tasks seem unimportant*

## Part 2:

If your state has laws or regulations regarding undue influence, have worker do that research, make a copy of the laws, and bring it to you for individual supervision. You can then discuss when the law would apply and answer questions new workers may have regarding the legal issues.

## Part 3:

Have them take the e-learning module on undue influence which complements this information.



# Financial Exploitation

## Case Vignettes:

**D**iscuss the primary components of a financial exploitation investigation and discuss why it's important to always "follow the money".

The following case vignettes will incorporate much of what has been learned about financial exploitation so far. Workers will have to identify indicators of financial exploitation as well as describe the undue influence tactics used. They will also begin to examine the steps they would take in doing a financial exploitation investigation and describe some of the challenges they may face.

Make sure you give them Handout 10 – APS Financial Abuse Investigation Checklist

# Follow the Money!



# Financial Exploitation

## Case Vignettes

### Case #1: Mr. Evans

Mr. Evans is an 86-year-old slightly confused man who has been widowed for one year. He and his wife had a stormy relationship. In the early years Mr. Evans had been verbally and emotionally abusive to his wife and his children. Their daughter Marilyn moved to California many years ago and only returned once, for her mother's funeral. Their son Robert had been in a number of relationships and held a number of jobs but managed to keep in touch with his parents, usually for a place to live for a few weeks and to borrow money until he could get on his feet.



After Mrs. Evans died, Robert moved into the home to care for his father. Mr. Evans was very pleased that Robert wanted to be with him and felt that it was a chance to make amends. Robert convinced his father to give him the job of managing the checkbook, pointing out the memory problems that Mr. Evans was exhibiting. He took his father to the bank and added his name to the account. He also took the ATM card so he could purchase groceries for the two of them. Robert also used the ATM

card to purchase alcohol, which he and his father drank together. Robert would disappear for weeks, causing Mr. Evans to become fearful and disoriented. Often Robert would not leave enough food in the house and would not be available to take Mr. Evans for his doctor's appointments. When Robert returned to the home, Mr. Evans would be relieved. When overdue bills began arriving, Mr. Evans questioned Robert about them. Robert became angry and threatened to move out, reminding his father that nobody else would care for him.

1. What are the indicators of financial abuse?
2. What are the indicators of undue influence?
3. At what point is Robert committing financial abuse?
4. At what point should APS intervene if this information is reported?
5. What steps would you take in the process of completing an APS investigation?
6. What challenges might you face?

# Financial Exploitation

## Case Vignettes

### Case #2: Mrs. Brown

Mrs. Brown is a 78 year old alert and oriented retired schoolteacher who has never been married. She thought she had carefully planned for her retirement needs, but designated a family friend to become power of attorney in case of any emergency. This friend/POA used to live close by, but recently moved out of state to be closer to her family. Recently, Mrs. Brown had a mild stroke and was hospitalized for a week. The discharge planner contacted the POA, suggesting that a home health aide be hired. The friend hired Martha, a home health aide from a reputable agency recommended by the discharge planner. Once hired, Martha convinced the friend/POA to hire her privately which she stated would be advantageous to both Mrs. Brown and to herself as well. After a few weeks on the job, Martha called the friend/POA and told her that Mrs. Brown was too weak to be left alone. The POA was relieved that she wouldn't have to worry about the situation from such a long distance, and, since there were



enough funds, she agreed for Martha to live in.

Martha began treating Mrs. Brown's minor physical ailments as major medical events, confining her to bed and telling her that she needed to rest. She removed the clock, calendar, television set, and radio from the room and canceled all magazine and newspaper subscriptions. She kept the curtains drawn in the bedroom. Under the guise of not wanting to disturb Mrs. Brown, Martha stopped bathing her and began manipulating medications and food to induce a state of weakness and drowsiness. When friends tried to call or visit, Martha told them that Mrs. Brown was sleeping or too ill to have visitors.

Mrs. Brown, weak and grateful for the help she was receiving, was convinced that home Martha was her only friend. She began giving the aide small loans and finally changed her will, making Martha beneficiary.

1. What are the indicators of financial abuse?
2. What are the indicators of undue influence?
3. At what point is Robert committing financial abuse?
4. At what point should APS intervene if this information is reported?
5. What steps would you take in the process of completing an APS investigation?
6. What challenges might you face?

# Financial Exploitation

**Transfer of Learning:** Discuss the primary components of a financial exploitation investigation and discuss why it's important to always "follow the money".

Using the Handout #10 Financial Investigation Checklist, assign a financial exploitation case to the new workers and have him/her follow and use the checklist in the investigation. In individual supervision, review components of the list and discuss the process along the way.

Make sure that they cover the following:

- Relationship between the client and perpetrator
- Cognitive and other deficits of the client
- Extent of client's estate
- Ownership of real property
- Client's finances
- Specifics of allegations: Follow the Money
  - Who
  - What
  - When
  - Where
  - Why
  - How
  
- If case warrants law enforcement intervention
- Options for intervention

# Financial Exploitation

## Handout 10 APS Financial Abuse Investigation Checklist

### I. Determine the relationship of the alleged perpetrator and the client

- Interview victims and alleged abusers separately.

It is important to maintain a neutral stance when interviewing alleged abusers. Encourage them to tell their side of the story. Documenting their version of events initially, allows you to catch any future inconsistencies in their story.

It is important, when at all possible, to obtain signed releases from the victim for medical and financial information during this initial interview. *Please note - Very important that releases not be sought if victim lacks capacity, especially if the case may involve criminal conduct.*

(Check all that apply) The alleged perpetrator is:

- A relative
- A friend/neighbor/religious leader
- IHSS chore provider of record
- Holds a position of trust
- Lives with the victim
- Alleged abuser is employed/has a separate source of income

### II. Cognitive and other deficits

- Assess the victim for cognitive, vision, or hearing deficits. Is the client literate?

Such impairments may cause the victim to be unaware of what documents he or she has signed. It is often instructive, when initially interviewing the alleged abuser separately, to get his or her opinion on these issues. The degree of the client's impairment, as reported by the alleged abuser, often changes in subsequent accounts of the victim's abilities and circumstances.

If cognitive impairment is suspected, attempt to obtain mental/cognitive evaluations and histories from the victim's family members, physician, friends or other service agencies involved with the victim. A neuropsych evaluation may be needed (through Tangible Services) to establish the victim's current level of cognitive functioning and document any areas of incapacity or vulnerability to undue influence. A neuropsych expert can/may be able to offer an opinion on capacity at a prior time as well.

(Check all that apply)

- Client exhibits signs/symptoms of memory loss
- Client exhibits signs/symptoms of psychosis

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- Alleged abuser states client's memory is good
- Alleged abuser states client's memory is poor
- Alleged abuser's story changes about client's memory
- Client has substance abuse problem which may impair cognition
- Neuropsychological evaluation needed
- Client has vision problem
- Client has glasses/does not have access to them
- Client is hearing impaired
- Client has hearing aid(s)/ does not have access to them
- Client is unable to read
- Client is unable to write
- Client is unable to speak/speak coherently

### III. Extent of client's estate (check all that apply)

- Client owns own home
- Client owns other real property
- Client has bank account(s) and/or CD(s)
- Client has a brokerage account and/or other stocks owned
- Account(s) are in client's name only
- Alleged abuser's name is on account(s)
- Joint account is an "or" account
- Joint account is an "and" account
- Changes reported in client's deposit/withdrawal habits
- Client home furnishings/other personal property of value reported missing
- Vehicle(s) owned by client
- Client's name only name on vehicle title
- Alleged abuser's name only name on vehicle title
- Auto insurance in force/insurance in client's name
- Client's auto is registered with DMV in abuser's name
- Client is unable to drive
- Alleged abuser drives client's vehicle
- Client's vehicle is kept at the abuser's address
- Big screen TV seen in client's home

### IV. Ownership of real property (check all that apply)

- Assessor's records have been searched
- An in-house "Property Research Request" is needed to establish chain of title
- Client and alleged abuser's claims of ownership agree
- Client and alleged abuser's claims of ownership don't agree
- Client's name is only name on the deed
- Alleged abuser's name has recently been added to the deed
- Alleged abuser has removed client's name from the deed.
- Client pays mortgage, or is on the rental agreement/lease
- Client's real property has been refinanced.
- Client is aware/understands property has been refinanced
- Client is aware/understands the amount/terms of the refinance
- Client's real property(s) has been refinanced frequently and equity depleted
- Evidence of shopping addiction on the part of client

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- Evidence of gambling problem on the part of client
- Evidence of a shopping addiction on the part of the abuser
- Evidence of a gambling addiction on the part of the abuser
- String of garbage liens on the real property(s)
- Garbage/other liens are inconsistent with client's income
- Property taxes have been paid for current year
- There are gaps in record of property tax payments
- Client is responsible for paying property taxes
- Someone else is responsible for paying property taxes
- Client believes property taxes have been paid
- Client's home is currently in, or approaching, foreclosure or tax sale for unpaid property taxes

### V. Client's finances (check all that apply)

- Client handles own finances
- Client pays own bills
- Client has representative payee
- Alleged abuser is rep. payee for client
- Alleged abuser is supposed to pay the client's bills
- Client has a DPOA for finances
- Client has DPOA for health care decisions
- DPOA(s) dated before/after onset of dementia
- A copies of the DPOA(s) have been obtained
- Alleged abuser is named as DPOA
- Client's income received in paper check form
- Client's income is direct deposited
- Method of client receiving income has recently changed
- Clients bank statements and other records are missing from home
- Client has an ATM card
- Client is not aware of having ATM card
- Alleged abuser has access to an ATM card for client's account(s)
- Client unaware of having credit cards/debt
- Alleged abuser using client's identity/credit
- Sample of alleged abuser's signature has been obtained
- Sample of client's signature has been obtained

### VI. Follow-up on misused bank accounts

1. Contact the bank immediately and request that it "flag" the account, and observe with caution.
2. You can access information regarding the client's account by visiting the bank with the client, requesting the DPOA for finances (if appropriate) to act, or have the client sign a release of information for financial information. If the bank is willing, a home visit by bank personnel to a homebound client can be made.

# Financial Exploitation

3. Encourage the client to close any misused accounts and open new ones. This can be done in person by the client, or via a letter signed by the client. Make sure that any direct deposits are transferred to the new account. Note: If misuse of the client's account was done via ATM transactions, recommend that the client not authorize an ATM card for the new accounts.
4. Request copies of past bank statements and pertinent cancelled checks.  
Note- it's important to request copies from before the suspicious transactions began to determine the routine spending patterns and habits of the victim.

Review withdrawals from the account to look for forgery or unusual activity. If forgery or misuse of funds is apparent, have the client sign an affidavit with the bank and it will be investigated. The police, FBI, postal inspectors and secret service may get involved at this point.

## VII. Contact Law Enforcement

Remember, law enforcement is an important partner in financial exploitation cases and they may be contacted before, during or after your initial investigation depending on the intake referral/allegations. Law enforcement wants to know if a crime has occurred and the elements of the crime. **Handout 1** on crimes and statutes will come in handy when interacting with law enforcement.

*Client Name* \_\_\_\_\_ *Case No.* \_\_\_\_\_

*Worker Name* \_\_\_\_\_ *Date* \_\_\_\_\_

### *Recommendations:*

- County Counsel Weekly Review*
- FAST Review/Action*
- Referral for Probate Conservatorship*

This document was developed by Lisa Brand, MSW - Alameda County Adult Protective Services. Permission granted for use in Financial Exploitation, APS Core Module 12.



# Financial Exploitation

## Role Play:

Identify the common challenges encountered during a financial exploitation investigation and discuss strategies to overcoming challenges.



Using the case information below, have the worker play the worker role while either you and/or other worker play the role of victim and perpetrator. The role of the victim and perpetrator follow.

Do not show the victim or perpetrator roles to the worker. The individuals playing those roles should really play up the challenges.



## Case Information

Report made by a close friend, Mabel Harrigan. Reporter states that Mrs. Mary Brown, a 78 year

old retired schoolteacher who was never married, was very carefully on how she planned for her retirement needs and very methodical about her affairs..Reporter states that Mrs. Brown had a stroke about 6 months ago and since then, a home health aide moved in with her. Reporter understood that that the stroke wasn't very severe, but every time she has tried to call or visit Mrs. Brown, the aide says that she is sleeping or can't come to the phone. Reporter states that the last time she went to Mrs. Brown's home, she saw a new red Mustang parked in front of the house. Reporter fears that Mrs. Brown is being exploited by this aide and worries because she has not been able to speak to her or see her in a long time.

On further collateral contact with the hospital, you learn that Mrs. Brown has another close friend Beatrice who is the POA but who now lives 1500 miles away. You spoke to Beatrice who told you that she was contacted by the discharge planner to help arrange for a private home health aide (Mrs. Brown has substantial assets). Beatrice contacted a reputable agency who sent in someone named Martha. About 2 weeks after Mrs. Brown came out of the hospital, Martha called Beatrice and said that it would be cheaper for her to pay her directly rather than pay all that money to the agency. Beatrice knew that Mrs. Brown was very careful about

## Financial Exploitation

spending her money, so she agreed. A few weeks later, Martha called Beatrice again and said the Mrs. Brown really needed more help and offered to live in and take good care of her. Beatrice felt that the price seemed reasonable... and she didn't really have the time or energy to deal with the situation. Martha put Mrs. Brown on the phone... Mrs. Brown said she could take care of the finances from then on. Since then, Beatrice has not heard from Mrs. Brown.

### Worker's Initial Observations and Role

**M**artha was reluctant to let you in the home, saying the Mrs. Brown was in bed and needed to rest. When you mentioned the law and the need to see Mrs. Brown, Martha became agitated but let you in. You noticed there were no clock, calendar, television set, and radio from the room and there were no newspapers or reading materials around. The curtains were drawn in the bedroom. Mrs. Brown seemed a little lethargic. She was in soiled bedclothes.

### When interviewing Mrs. Brown:

**M**ake her feel comfortable, ask questions without being threatening, get a sense of her impairments, get her perception of the situation.

### When interviewing the aide:

**M**aintain a neutral stance when interviewing Martha. Encourage her to tell her side of the story. .

### After the interview,

**S**hare your observations, the perception of both Mrs. Brown and Martha, and the next steps you would take. Also, describe any challenges you sense for your future work with the case including from Mrs. Brown, Martha, or any outside individual or system you may need to involve.



# Financial Exploitation

## Mrs. Brown (client): Role

**Y**ou had a stroke 6 months ago and your friend Beatrice arranged for Martha to come stay with you. You were recuperating well from the stroke, but Martha didn't want to take chances so you have been in bed a lot and eating whatever Martha gives you. You haven't read a newspaper or watched TV or listened to the radio in a long time. Martha says that the news is all bad and it would just make you sad. Your friends used to call and visit but they seem to have forgotten about you. Once in a while the phone rings, but Martha answers it and says it is the wrong number or someone trying to sell something. You know that Martha really needs this job. She has 4 children who have problems and a few grandchildren as well. You have been helping Martha out with loans here and there- you know she will pay you back some time. Anyway, you have no children of your own and nobody else to spend the money on, so Martha deserves some. Martha needed a car so she could shop for you, so you helped her with that. You are very grateful for the help you get from Martha. Martha told you that soon she would take you out in the car so you can go to the bank together. You are considering making her beneficiary of your will. You don't like the fact that someone from the government has shown up asking questions.

## Martha (Perpetrator): Role

**Y**ou are a home health aide that worked for an agency and earned \$7/hour. It was not enough to cover your expenses. You convinced the lady who was taking care of Mrs. Brown's finances that she should pay you directly... and after she did that, you thought that it would be better if you could get paid as a live in, since you were almost evicted. You have struggled your entire life to raise your children, who are now adults but always in some kind of trouble - needing bail money, or money for rent, or money for clothes for their own kids. You work hard for Mrs. Brown and don't want her friends snooping around.



# Financial Exploitation

OJT: Discuss two (2) methods used in the prevention of financial exploitation.

- Have worker to attend a FAST (Financial Abuse Specialist Team) meeting in home county or neighboring county. Supervisor to ask the new worker to comment on the following question: What are the potential benefits as well as the potential drawbacks, to the APS worker that could result from accessing a multi-disciplinary team such as FAST?
- Have worker research agencies in the community that provide education/empowerment programs for seniors and other vulnerable populations. Ask worker how the program can be accessed.
- Have worker research financial exploitation public awareness efforts on the internet or on cable TV or local radio.
- If you have mandated reporter education in your area, have worker attend one of the sessions and report back to you.
- Have worker research the legislation regarding financial exploitation, consumer fraud, and other protective laws.

- Invite someone from law enforcement who specializes in exploitation, fraud, and/or scams to a unit meeting.



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REVOLUTIONIZE  
THE WAY PEOPLE  
WORK TO ENSURE  
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6505 Alvarado Road, Suite 107; San Diego, CA 92120 | (619) 594-3546

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