



Financial Abuse of the Elderly

ncea

National Center on Elder Abuse

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financial abuse of the elderly

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T a b l e o f C o n t e n t s

Introduction	1
Part 1: Identifying Financial Abuse	2
Part 2: Preventing Financial Abuse	6
Part 3: Capacity, Consent, and Undue Influence	n
Part 4: Combatting Financial Abuse	13
Part 5: Banks Become Involved	15
Part 6: Public Policy Initiatives to Stop Abuse	17
Part 7: Profiles of Programs	19
Resources on Financial Abuse	26
Additional Reading	28



Introduction

Of all the types of abuse, financial abuse may be the most difficult to recognize because the problem itself is poorly defined. Evaluating whether or not financial abuse has occurred often involves

complex and subjective determinations. *It* may involve differentiating between misconduct and mismanagement, or distinguishing between acceptable exchange and exploitative conduct. Abuse may be obscured by victims' diminished mental capacity which makes it unclear as to whether or not they understood transactions or exchanges. Even when victims are mentally competent, it may be unclear as to whether or not they were the victims of unfair persuasion.

Interventions to stop abuse may be as simple as requiring a senior's attendant to provide receipts for purchases to as complicated as changing public policy. A major obstacle has been the fact that many of the health and social service providers who are likely to encounter financial abuse, including lawyers, social service providers, law enforcement officers and bankers, lack skills in recognizing and evaluating abuse to the elderly. Few are familiar with existing legal remedies or recourse. For communities to effectively prevent abuse, professionals from all of these fields need to be alerted to high risk situations and be familiar with protective interventions. The support of financial institutions, public policy makers, and service providers is also critical.

This manual is an effort to demystify the complex problem of financial abuse. It provides an overview of the problem, describes the challenges it poses, and profiles promising intervention strategies.

Part One: Identifying Financial Abuse

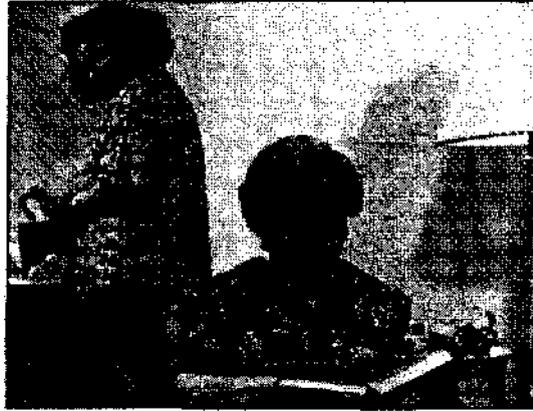
What is Elder Financial Abuse?

Referred to as fiduciary abuse, financial abuse, economic abuse, exploitation, and financial mistreatment, this type of abuse encompasses a broad range of conduct. Examples include the attendant who short-changes his/her elderly client, the neighbor who secures a power of attorney to help out with chores and uses it to take possession of an older person's home, and the son or daughter who persuades an impaired elderly family member to change a will in his or her favor.

The impact of financial abuse can be devastating to an older person. Whereas younger people who are robbed or cheated may replenish their assets over time, older people who have been defrauded of their homes or life savings may never recover from the loss. Losing the fruits of one's lifelong labor can cause irreparable mental distress and anguish. Financial abuse to the elderly is also often accompanied by other types of abuse. For example, gaining possession of an older person's resources is often the motive behind physical abuse. The impact or outcome of financial abuse may be neglect, abandonment, or homelessness.

Many reasons have been cited for why the elderly are targeted for financial abuse. Clearly, one contributing factor is that persons over the age of 50 control 70% of the nation's wealth. Other explanations include the fact that older people are more trusting than their younger counterparts, that they may not realize the value of their assets, and that they are easily identifiable as victims. Additionally, they are more likely to have conditions or disabilities that make them easy targets including forgetfulness or other cognitive impairments. They are also less likely to take action against their abusers, particularly if they have been victimized by family members. Abusers may also recognize that older people who are in extremely poor health may not survive long enough to follow through on lengthy legal interventions.

A committee of the Virginia Bar Association that was assembled to explore financial abuse against the elderly concluded that while each case is unique, the common denominator in financial abuse cases is the presence of a relative, friend, caregiver, or some other interested person in whom the vulnerable adult placed trust and confidence. Three additional defining characteristics which the report identified were: financial need (of the abuser) which may be either real or perceived; an opportunity to exploit with little chance of being detected or held accountable; and an ability to rationalize the theft.



If the granddaughter of 70-year-old Jenny steals from her puree, checking or savings account...

THAT'S ELDER ABUSE! ANY QUESTIONS?

Call New • Elderly Crime Victims Resource Center
NYC Department for the Aging • (212) 442-3103

Elder Abuse Hurts. In More Ways Than One.



This poster was developed under an elder abuse awareness campaign sponsored by the New York City Department for the Aging. 8,000 copies of the above poster and another one which addresses intimidation were placed on every subway line in the city for one month. The posters generated 300 calls from victims, family members, and friends. Most of the callers were first time responders.

Indicators of Financial Abuse

The following list of indicators of financial abuse was derived from a variety of sources. Indicators are signs, symptoms, or clues that suggest that abuse has occurred or is likely to occur. While there is no litmus test for identifying abuse, the presence of any of these conditions may warrant concern and further investigation.

- Bank activity that is erratic, unusual, or uncharacteristic of the older person
- Bank activity that is inconsistent with the older person's abilities (e.g. the person's automatic teller card has been used when the older person can not leave his or her home)
- Recent, new acquaintances, particularly those who take up residence with the older person
- Changes in the older person's property titles, will, or other documents, particularly if the person is confused and/or the documents favor new acquaintances
- A power of attorney executed by a confused older person
- Lack of amenities when the older person can afford them
- Missing property
- Suspicious activity on credit card accounts
- Forged or suspicious signatures on documents
- Failure to receive services that have already been paid for
- The older person is being evicted or having his or her utilities disconnected
- The older person is uncared for or the residence is unkempt when arrangements have been made for providing care
- Untreated medical or mental health problems
- The older person's documents (e.g. pensions, stock, or government payments) are missing
- The older person's mail has been redirected to a different address
- The older person is unaware of, or does not understand, recently completed financial transactions
- The older person is being isolated by others

Investigating Financial Abuse

"It was a gift"
"She owed me the money"
"He told me I could borrow it"
"I was going to give it back"

Investigating financial abuse and proving that abusive conduct has occurred can be extremely challenging. The evidence that is needed to prove that abuse has occurred may include legal documents such as contracts or deeds which the abuser possesses or has destroyed. In some cases, there is no evidence (e.g. situations in which an abuser claims that the older person gave or lent them something.) Victims may also be unable to assist with investigations because they can not recall complicated or lengthy series of events or transactions.

Perhaps the most difficult cases to prove are those in which victims' mental capacity is in question. Proving that abuse has occurred or retrieving misappropriated funds or property may involve demonstrating that a victim has diminished mental capacity. This is not an easy determination to make since there is significant disagreement about how capacity should be defined and the level of

capacity that is needed for various types of transactions. In some cases, it must be shown that the victim had diminished capacity at an earlier period in time. Complicating the matter still further is the fact that proving abuse may involve demonstrating that the abuser knew that the victim had diminished capacity. For example, a severely incapacitated person may have signed a bank power of attorney granting someone authority to withdraw funds. If the older person did not understand what he or she was signing, the document is invalid. However, the alleged abuser may claim that the victim understood what he or she was signing.

While the type of information which should be collected in financial abuse cases will depend on the form of abuse that is alleged and the reason for the investigation, the following guidelines can be instructive to service providers in a variety of settings.

Guidelines for Investigating Financial Abuse

- ◆ Interview victims and alleged abusers separately.
- ◆ Determine the relationship between the parties: is the suspect a member of the victim's family? Is he or she in a position of trust? Does he or she live with the victim?
- ◆ Determine the extent of the victim's estate, including real properties, bank accounts, certificates of deposit, stocks, home furnishings, personal belongings, and vehicles.
- ◆ Find out who owns the victim's home, whose name is on the deed, who pays the rent, and who pays the taxes.
- ◆ Determine whether the victim is literate.
- ◆ Find out whose names are on bank accounts, investment accounts, and stocks.
- ◆ Find out who is the representative payee, attorney-in-fact, or guardian.
- ◆ Find out who pays the bills.
- ◆ Find out how the older person's pension, social security, or other income checks are received and deposited in the bank.
- ◆ Secure samples of the victim's and the alleged abuser's signature.
- ◆ Determine what documents signed by the victim have placed the estate in the suspect's control. these may include powers of attorney ^ s i g n a l cards, or vehicle pink slips.
- ◆ Get copies of whatever documents were signed.
- ◆ Coiled evidence from other agencies.
- ◆ Check for Drevious criminal chamesaaainst the aliened abiKer
- ◆ Determine the victim's mental status: Is the victim mentally capable of understanding documents, testifying, or assisting in the investigation?
- ◆ If the person is incapacitated, or his or her capacity is questionable, contact family members, friends, or service providers to obtain mental health evaluations and histories.

time it was given,

- ◆ If questionable purchases have been made, find out the value of the purchases, by and for whom they were made, the value of the purchases in relation to the abuser's salary,
- ◆ Determine whether the older person's estate is still at risk of theft, misappropriation, or embezzlement. If so, secure the estate as soon as possible.
- ◆ Follow the funds! Determine who has (or had) possession of all misappropriated funds or property,

Securing the Estate and Recovering Losses

During an investigation, the victim's estate may be vulnerable. If the alleged abuser is aware that an investigation is in progress, he or she may quickly withdraw funds or transfer property. If the victim is incapable of acting on his or her own behalf, investigators should initiate action to secure the estate or notify others who can do so. They may contact banks or other financial institutions to inform them that an investigation is in progress. Financial institutions are often willing to put administrative holds on victims' accounts for brief periods pending the outcomes of investigations.

Legal interventions such as restraining orders and guardianships may also be used to protect assets under certain circumstances. Some states have statutory provisions for "freezing" someone's assets. Initiating these actions may require the assistance of victims' family members, attorneys, or public guardians. Efforts should also be made to recover misappropriated estates as quickly as possible before they are dissipated or transferred.

Part Two: Preventing Financial Abuse

Owing to the difficulties involved in investigating and proving financial abuse, as well as the fact that abusers have often spent or dissipated assets by the time the abuse is discovered, the most effective means of protecting seniors is through preventive interventions. A variety of mechanisms and options are available to prevent or circumvent financial abuse.

Many of the interventions described in this section involve the transfer of authority for financial decisions from a vulnerable senior to another individual or agency. Transfers of authority should be executed with caution and only when trusted individuals or agencies are available to help. While the granting of authority to trustworthy individuals is a protection against abuse, the same authority, in the wrong hands, can be a license to abuse. Some of the protections which are described below involve involuntary legal interventions. Because these options severely restrict the older person's freedom, they should only be used when less restrictive alternatives have been explored and found to be inadequate. In devising protective interventions, service providers should also strive to avoid unnecessary interference in the older person's life, attempt to maximize the older person's participation in decision-making, and look for ways of enabling the vulnerable older person to maintain a lifestyle that is consistent with his or her personal values and background.

Interventions to Prevent Financial Abuse

This section is adapted from an earlier work by Lois Trapp, a former daily money manager in San Francisco.

Informal Services

A variety of protective interventions are available for older people who are having difficulty managing their finances and who have simple needs. For example, if the only financial transaction which they need to make is paying their bills, a trusted friend, family member, or bill paying service can be employed. Many utilities companies also offer helpful services, including direct payment plans, warning programs to notify customers before turning off services due to non-payment, and payment averaging plans.

Direct Deposit

People who receive regular income payments can have their checks mailed directly to their banks, credit unions, or savings and loan associations to reduce the risk of checks being stolen, misplaced, or destroyed. Individual banks have their own procedures and forms for setting up accounts. The Social Security Administration and/or other payers must also be contacted to arrange for direct deposits.

Restricted Bank Accounts

Some banks will agree to make arrangements that will restrict access to a person's account.

Remedies for Financial Abuse

If careful investigation and assessment indicates that abuse has occurred, a variety of interventions can be initiated to recover assets and protect clients from further abuse. The sidebar in this section outlines actions which service providers can take.

Misused Bank Accounts

- Contact the bank immediately and request that it "flag" the account, and observe it with caution.
- Access information regarding the account by visiting the bank with the client. If the client is homebound and hasn't granted anyone power of attorney; have the client sign a release of information form for the bank or arrange a home visit by bank personnel.
- Close the misused account and have the client open a new account. This can be done in person or via a letter signed by the client. Make sure any direct deposits are transferred to the new account.
- Request copies of past canceled checks, bank statements, and withdrawals to look for forgery or unusual activity. If forgery or misuse of funds is apparent, the client can sign an affidavit with the bank and it will be investigated. The police or FBI may get involved at this point.

Misuse of power of attorney

- Have the client verbally inform the attorney-in-fact that the power of attorney is being revoked. This revocation can only be performed if the client is capable. If the client no longer has capacity and the power of attorney is not a durable one, it is not a valid document.
- The client should sign a letter of revocation.
- Send copies of the letter to the attorney-in-fact.
- In some states, courts can call for an accounting.
- Declare that the attorney-in-fact has misacted and have the power revoke if it is in the best interest of the principal.
- The investigating worker should file the revocation letter with the County Recorder's office.
- In some states, a court investigator can be asked to investigate the use of a power of attorney.
- Legal counsel should be sought.

Power of Attorney

A power of attorney (POA) allows an individual (called the "principal") to delegate certain stated powers to someone else, who is then called the "attorney-in-fact." POAs can be general (that is, they give the attorney-in-fact unrestricted access to the principal's property) or they may specify exactly what legal and/or financial responsibilities are being transferred. In order to be valid, a POA must be executed while the principal is mentally competent and is only valid for as long as the principal has capacity. It can be revoked at any time as long as the principal has capacity. POAs must be signed and notarized.

Variations of the POA include "durable powers of attorney" and "springing, durable powers of attorney." Unlike the standard POA, a durable POA is not affected if the principal becomes incapacitated. The power survives until the death of the principal. A springing, durable power of attorney, which is available in some states, does not go into effect until or unless the principal becomes incapacitated. If the principal never becomes incapacitated, the POA never takes effect. The durable POAs are useful as planning tools and can be used to avoid the need for guardianship which is more costly and restrictive.

While POAs are extremely useful, they are also frequently misused. For this reason, legal counsel is recommended in setting up POAs to ensure that legal requirements are met and that principals are adequately protected. They should also detail which transactions the attorney-in-fact is authorized to make as well as the duration and termination conditions of the power.

Joint Tenancy Accounts

Under a joint tenancy account, two people are named on a bank account and each has equal access to, and control over, the funds in the account. In joint tenancy arrangements, accounts can be subject to the debts of either party and, upon the death of one party, the other automatically receives the funds or property. This option can be used when older people have physical disabilities which prevent them from shopping, cashing checks, or paying bills so that another person can write checks for them. The other joint tenant, however, is not held to any fiduciary standard (that is, he or she is not required to act in the elder's best interest), so there are no externally imposed controls or regulations. In addition to general joint accounts, there are limited joint accounts that restrict parties' access to funds. The availability of these options varies by community. Setting up a joint tenancy account is a simple procedure. The older person's bank must be notified and certain forms need to be filled out. Generally, both parties' signatures and one Social Security number are needed.

Because joint tenancy can be misused, this option should be exercised with caution and only when the person with whom the agreement is made can be trusted completely. Joint tenancy accounts may also not be the best choice if the older person is beginning to mismanage funds since he or she still has total access to the account. In some states, a joint account can also jeopardize a client's Medicaid eligibility, so local regulations should be consulted. Because of their limitations, joint tenancy accounts are usually less desirable than bank powers of attorney.

Representative Payeeships

This is the assigning of authority to someone to receive, sign, and cash another person's public benefits check. The representative payee is then responsible for helping the person manage his or her finances. Rep payee services are available for Social Security, SSI (Supplemental Security Income), Veterans Administration pensions, railroad retirement pensions, and civil service annuities. Persons with mental or physical disabilities or chemical abuse problems which prevent them from managing their money properly may benefit from this option. Representative payeeship is available even after the onset of incapacity and may be adequate for clients of moderate means. The Social Security Administration provides the forms needed to set up representative payeeships.

Representative payeeships also present some risks and should be used cautiously. There are minimal accounting requirements and few safeguards although Social Security can require accountings from representative payees and can investigate allegations of misused funds.

Trusts

A trust is a mechanism by which a bank, trust company, or individual is designated as a "trustee" and manages all or some of another person's funds. It can be used when an elderly person has capacity but needs assistance with handling his or her finances. Most institutions will only manage estates in excess of \$100,000.

Trusts can also be used as a planning tool to avoid problems in the event that an individual becomes incapacitated. They can be used to avoid guardianship while assuring that the estate will be managed by a professional. Attorneys who

Stolen SSA, Pension or Annuity Checks

- Notify **SSA, the VA or the pension board of the** problem. SSA can hold on to the checks until the problem is resolved or can require assignments of a new representative payee if checks are being misused.
- Arrange for direct deposit of checks or change the address on the check to a reliable address. In this situation, changing the address to which the check is mailed can be accomplished much more quickly than arranging for direct deposit. Changing the address is, therefore, recommended as an interim measure until the direct deposit request takes effect.

are familiar with estate and tax planning are essential in setting up trusts.

There are several drawbacks with trusts. They can be costly and may never become necessary. Fees are incurred for the transfer of funds and property on an ongoing basis making them inappropriate for small estates. It is also easy to make mistakes in setting up trusts which can affect Medicaid eligibility.

Guardianship

Guardianship is a mechanism by which courts grant certain powers to institutions, relatives, friends, or public guardians, to control the affairs of individuals who are incapable of managing on their own. The definitions of guardianships vary from state to state. Some states use the term conservatorship for certain types of guardianships. There are two types of guardianships: a "guardianship of person" grants authority to provide for the personal needs of the vulnerable individual, including their physical health, food, clothing, or shelter and "guardianships of estate" grant authority to manage financial resources. Temporary guardianships, which can be enacted quickly in emergencies, are also available.

Suspicious Deed Change on Property

(often in exchange for a promise of life care)

- Look up the deed at the County Recorder's office to check the title on fee property. See if the deed has been transferred and recorded (anyone can look up these public records).
- If a new deed has not been recorded, ask the client and involved parties for any papers indicating a transfer of property. If the deed has not been transferred, make sure the client signs no documents in the future which may transfer the home or give power of attorney.
- If the deed has been transferred, get legal assistance in transferring the property back to the client, either voluntarily or via a lawsuit (Legal advice is essential if any property has been transferred).
- Before any transfer back to the client, make sure that a title search is done to ensure that the title is clear (there are no liens on the property or the property hasn't been subsequently transferred to a third party.) If there are liens, contact a lawyer.
- A "guardian ad litem" can be appointed by the court specifically and solely for the purposes of litigation if a client has the capacity to manage his or her own affairs but can not participate effectively in litigation.

Misuse of Client's Cash

- This type of abuse includes abusers withholding some of the change from a purchase or using the client cash for their own benefit. The act can be perpetrated by caregivers, neighbors, and others who are asked by the elder to do errands on his or her behalf.
- Get as many "purchased services" as possible in order to minimize the need for cash. Examples include home delivered meals, grocery delivery (with receipts going to a third party), and mail order catalogue purchases.
- Require receipts from the suspected abuser for all transactions performed in the interest of the elder. This would include a homemaker.
- Have the client withdraw cash in small amounts (i.e. \$1 and \$5 bills). Some clients tend to say "keep the change" even when they have given the person a twenty dollar bill for a small purchase.
- If large amounts of money have been misused, there may be legal actions available, so consult a lawyer.

While states vary widely in their standards and procedures, a relative or friend generally files a petition with the court under the guidance of an attorney. Courts usually require medical reports about the individual's mental capacity. The person for whom guardianship is being sought is usually encouraged to attend a hearing.

There are significant drawbacks associated with guardianships. They are time-consuming to set up, costly, and may be demoralizing to the client. They are also difficult to rescind. If guardianship is needed, efforts should be made to choose the most limited form possible. Despite these disadvantages, guardianships are the most protective option because they are under court supervision and undergo periodic court review. Three factors should be considered in determining if guardianship is the most appropriate option:

- Less restrictive options have been considered and found to be inadequate
- It is the older person (as opposed to the relatives) who will benefit
- A responsible party is available

Monitoring Financial Management

In situations where an older person's family or friends are unable or unwilling to assist an older person manage their

affairs, they may be willing to monitor services provided by another individual or agency. The following guidelines should be followed in setting up this type of arrangement:

- Require the financial manager to submit accountings to a third party (e.g. an attorney, relative, or accountant.)
- Have bank statements sent to a third party.
- Allow the financial manager access to a small checking account that is replenished by a second individual.
- Require two signatures on all accounts. Note that this can be a cumbersome solution.
- Give only limited power of attorney rather than general (e.g. access to bank accounts, but not stocks and bonds).
- Set up periodic meetings to review the financial records.
- Arrange for notification of a designated third party before any service is discontinued in the event that bills are not paid.

Daily Money Management Service Programs

Because some older people do not have trustworthy friends or family members who can help them manage their money, there is increasing interest nationwide in developing daily money management services as a component of the long term care delivery system. Daily money management services include the services described above as well as additional support services such as public benefits counseling and advocacy, budgeting and accounting, and information and education. But while the need for the service has been widely documented, the development of new services have been impeded by the lack of financial support as well as concerns about the liability risks in providing the services (Wilber and Buturain, 1993).

The American Association of Retired Persons (AARP) has attempted to meet the need for money management services through its volunteer money management program. AARP provides training, technical assistance, and insurance coverage to all its member volunteers. AARP is also in the process of conducting a survey of existing money management programs across the country to assess the existing supply and demand for services, impediments to meeting the need, and identify promising models for providing the service. The Reingold Institute of the Brookdale Center in New York has developed a program of training in financial management skills for service providers.

Part Three: Capacity, Consent, and Undue Influence

Three concepts that are integral to discussion about financial abuse are capacity, consent, and undue influence. These terms refer to peoples' ability to understand their actions and those of others, and their ability to exercise choice and free will. These factors are essential variables in the equation for determining if abuse has, in fact, occurred.



Capacity

Capacity refers to an individual's ability to perform certain tasks. Mental capacity refers to the ability to perform mental tasks such as remembering, reasoning, and understanding the repercussions of one's actions. When these abilities are impaired, the individual becomes extremely vulnerable to financial abuse.

The level of capacity that is needed for performing tasks such as financial transactions depends on the specific nature of the transactions. The more complex the transaction, the more capacity is needed. For legal purposes, there are several levels of capacity: testamentary capacity, the capacity to contract, the capacity to give medical consent, and the capacity to testify. The types of capacity that generally come into question in financial abuse cases are testamentary capacity and the capacity to sign documents.

Testamentary capacity focuses on making wills. For a will to be legal, the individual must have sufficient mental capacity to be able to 1) understand the nature of the act; 2) understand and recollect the nature and extent of his or her property; and 3) remember and understand his or her

relations to living descendants, spouse, and parents whose interests will be affected by the will.

Although there is no universal standard for what mental capacity is needed to enter into a contract, capacity for signing contracts is generally defined as understanding the nature and consequences of the transaction (i.e. the ability to know what one is doing and appreciate the effects of their actions). Some states have also addressed "volition" in assessing capacity. This relates to the fact that some individuals understand the nature and consequences of their actions but lack volitional control. An example is an individual suffering from manic depressive illness.

A myriad of problems surround discussion about capacity. This includes disagreement about what levels of capacity are needed for specific tasks. In California, for example, courts have generally ruled that executing deeds requires the same level of capacity as executing contracts. However, in a recent case, the court ruled that the level of capacity needed for executing deeds was testamentary.

Another inherent problem in discussing capacity is that mental status is usually measured through mental status examinations. These tests measure categories

of mental functioning including cognition, memory, etc. It is not always clear how these measurements apply to the performance of specific legal functions. A variety of other issues further complicate assessments of capacity. Additionally, some severely impaired individuals have periods of lucidity. For this reason, abusers who are charged with exploiting an older person's incapacity, can always claim that a victim was "lucid for a moment" (e.g. when they signed a contract or gave a gift.) Consequently, abuse investigators must consider how often a person is affected and how long the impairment lasts. Additionally, a mental impairment in and of itself does not render a person incompetent to make decisions, testify, etc. The seriousness or gravity of a situation also affects the degree of competency that is needed.

Consent

Determining whether financial abuse has occurred may involve assessing if an individual consented to make purchases, accept assistance, or transact business. To exercise consent, an individual must have knowledge of the true nature of an act or transaction. They must also act freely and voluntarily and not under the influence of threats, force, or duress. They must further possess sufficient mental capacity to make intelligent choices about whether or not to do something that is proposed by another individual. Mere passivity does not amount to consent.

Undue Influence

Another factor which comes into play in the signing of contracts, executing wills, etc. is undue influence. Undue influence is a shorthand legal phrase that is used to describe excessive pressure or persuasion by a dominant person to someone who is vulnerable to pressure. It is the result of weakness on the side of the vulnerable party, strength on the other party's, or a combination of the two. When undue influence is exerted, the weaker party is prevented from acting according to his own wishes or judgment, or they are induced to do something that they would not do if left to act freely. If a contract is obtained through undue influence, the document is invalid. Courts will consider several factors when assessing if undue influence or overpersuasion have been used (Neivod, 1992):

- Discussion of the transaction at an unusual or inappropriate time
- Consummation of the transaction in an unusual place
- Inconsistent demand that the business be finished at once
- Extreme emphasis on untoward consequences of delay
- The use of multiple persuaders by the dominant side against the vulnerable party
- Absence of third-party advisers to the vulnerable party

Elder abuse criminal statutes

Some states have made the criminal prosecution of elder financial abuse easier by enacting specific criminal statutes. For example, California's Penal Code Section 368 defines financial abuse of elderly or dependent adults as:

PC 368 C

"Any caretaker of an elder or a dependent adult who violates any provision of law proscribing theft or embezzlement, with respect to the property of that elder or dependent adult, is punishable by imprisonment in the county jail not exceeding one year, or in the state prison for two, three, or four years when the money, labor, or real or personal property taken is of a value exceeding four hundred dollars (\$400), and by fine not exceeding one thousand dollars (\$ 1,000) or by imprisonment in the county jail not exceeding one year, or both, when the money, labor or real or personal property taken is of a value not exceeding four hundred dollars (\$400)."

Part Five: Banks Become Involved

Because bank personnel are strategically located to observe financial abuse to the elderly, abuse prevention programs are increasingly enlisting their support and participation in abuse prevention activities. Recognizing that the elderly comprise a significant share of their customer base, many banks have initiated special programs themselves.

In 1993, the National Center on Elder Abuse (NCEA) hosted a teleconference on financial exploitation which focused on the role of banks in preventing financial abuse. Participants discussed the challenges and rewards of enlisting banks in abuse prevention activities and made recommendations for how banks could be encouraged to become more involved. This section summarizes the findings and recommendations of that teleconference.

Recommendations for Bank Involvement

The participants in the NCEA conference offered the following activities and roles that banks can play in reducing the risk of financial abuse:

- ◆ Develop educational materials to alert customers to current scams and to recognize the potential for exploitation.
- ◆ Conduct presentations or seminars on elder exploitation.
- ◆ Generate media attention.
- ◆ Stay apprised of current trends in financial abuse and techniques for stopping it.
- ◆ Sensitize employees to abuse so that they recognize and report it.
- ◆ Train customer service specialists in interviewing **elderly** customers.
- ◆ Offer older customers safe alternatives and additional banking services.
- ◆ Conduct regularly scheduled visits and limited banking services at places convenient to older people, including senior centers and housing providers.
- ◆ Take a proactive approach to developing new procedures and product lines, including:
 - Mechanisms for detecting unusual account activity
 - Alerts on accounts
 - Procedures for verifying suspicious transactions
 - Protected accounts for seniors

The extent to which banks are willing to become involved in abuse prevention activities varies significantly. Representatives from projects which have found it difficult to enlist the support of banks, cite banks' concerns about confidentiality and customers' privacy as primary impediments. Some banks have expressed reluctance to instigate investigations or challenge customers' actions because they didn't want to be seen as ageist or paternalistic. Others have voiced concerns about the risk of lawsuits if they were to give out information about customers' accounts to social service agencies. These concerns have been addressed by some banks through special procedures for securing customers' consent to release information. Some require that consent forms be notarized. Other banks have requested elderly customers' permission to contact their family members for assistance in certain situations.

Coordination and cooperation between banks and social service agencies has been a problem for some communities. The fact that personnel from business and social services lack a common language has been cited as a contributing factor. Another obstacle to communication that has been cited by social service providers is "getting the attention" of larger banks since local banks are increasingly being bought out by regional banking corporations, making it difficult to reach key decision-makers. Because there is also significant diversity between the banks in terms of their management structures and policies, social service agencies have found it necessary to learn about the internal workings of each bank they approach. Additionally, some banks prefer to handle alleged abuse internally through their security departments rather than working with other community agencies.

Despite these problems, many communities have been extremely successful in promoting good working relationships between social service agencies and banks. Banks have observed that their relationships with protective service providers have been helpful in dealing with impaired elderly customers. Others view their participation as good for public relations creating a positive perception in the community. Some have noted that participating in community-wide efforts is good for morale since bank personnel are genuinely concerned about

the welfare of their elderly customers. "Community Reinvestment Act" requirements are an added incentive for some. Under the act, banks are required to initiate activities to benefit their communities. Outreach and education are considered to be an investment in the community which meet these requirements.

Service providers who have successfully initiated programs with banks offer a variety of techniques for getting their foot in the door. Some note that there is significant variation in interest levels within individual banks, observing, for example, that public relations departments are generally more receptive to cooperation than security departments. To be effective, all levels and departments need to be reached. Tellers, for example, are not usually permitted to make referrals to social services agencies without consulting managers. For this reason, the support of managers and senior executives is also critical. Other departments which need to be involved include customer service representatives, human resource directors, heads of marketing departments, and security officers. Personal contacts within and outside of the organizations are also important in gaining entry. Because many bank personnel belong to trade associations, such as organizations of bank security officers, these organizations can also be approached.

Part Six: Public Policy Initiatives to Stop Abuse

Elder financial abuse is covered under legislation in 49 states. Most common among the elder abuse statutes are provisions for the reporting of elder abuse by health and social service providers. A few states also require bank personnel to report suspected financial abuse. The inclusion of bank personnel in reporting statutes has been controversial. Some in the banking industry have spoken out against including bank personnel under mandatory reporting statutes, claiming that the "good faith" reporting provisions which exist in most reporting laws gives them immunity from civil liability.

Some states have dealt with the problem of obtaining information from banks in abuse investigations. In Massachusetts, for example, the state's reporting law contains provisions that give APS workers access to information contained in any reports they accept. If a bank refuses, APS can obtain court orders to gain access to financial records and information. In California, a bill was recently introduced to the state assembly which would allow financial entities to refuse to pay a check, allow for a withdrawal, or complete other transactions if there is a criminal investigation in progress.

California has addressed elder financial abuse through a number of other statutory means. The Elder Abuse and Dependent Adult Civil Protection Act (EADACPA) was designed to enable victims of physical and financial abuse and neglect to sue their abusers for damages and for pain and suffering. Under the act, damages are recoverable even after the plaintiff dies, which eliminates the incentive for abusers to prolong legal cases and increases incentives for lawyers to take abuse cases. EADACPA requires that abuse be proven by clear and convincing evidence. Because this standard of proof is easier to achieve than "beyond a reasonable doubt" which is the standard of proof used by the criminal courts, EADACPA offers an effective alternatives to criminal prosecutions.

The State's recently enacted Due Process in Competence Determinations Act, creates a methodology for making competency determinations for legal purposes. Using a "mental function deficit checklist," it establishes and codifies standards for defining the capacity needed for specific functions and tasks.

In Arizona, a bill was recently introduced which allows for the freezing of assets during abuse investigations and "divestiture," a process by which victims can recover property.

Concerns over abuse by persons holding powers of attorney have resonated across the country. A bill has been introduced in the Arizona Legislature, for example, to attach a fee to the processing of powers of attorney. The money collected through the fee would be used in prosecuting financial abuse cases which involve powers of attorney.

The Virginia General Assembly adopted a resolution in 1994 requesting that the state's Bar Association examine the use and potential abuse of powers of attorney and explore other methods of strengthening civil remedies for protecting vulnerable adults from financial exploitation. Acknowledging that durable powers of attorney (DPAs) are a valuable planning tool for the elderly, the committee struggled with the problem of how to strengthen protections without

destroying the qualities which make the tool valuable to older and disabled people. One solution the committee proposed, which has already been enacted, is a law which makes it possible for certain family members to require attorneys-in-fact to disclose their records and actions on behalf of incapacitated adults. If there are no family members who are willing or available to do so, APS can request the disclosure. Under the law, the concerned third party makes a request in writing to the attorney-in-fact to disclose the information. If he or she refuses, the person petitions the circuit court. It is the attorney-in-fact who pays the court costs. A similar bill that would provide the same protections for joint bank accounts has also been introduced in the Virginia legislature.

The Virginia Bar Association committee further concluded that strengthening the protection of DPAs could be better accomplished through education than increased regulation. It recommended that principals be taught about the risks inherent in DPAs and the importance of selecting trustworthy agents. The committee proposed that language be included in DPAs, or attached to them, stating agents' duties and responsibilities as well as their requirements to produce accountings upon demand. The group felt that in addition to educating agents about their responsibilities, these directives would further serve as a deterrent to abuse.

Policy Recommendations for Durable Powers of Attorney

The Government Law Center at Albany Law School has also explored the potential for abuse of DPAs. After analyzing fifteen legislative strategies that are currently being used across the country, the center produced a report which includes the following recommendations;

- Require uninterested witnesses and/or notarization when DPAs are executed
- Require simple warning language on any commercially available DM forms
- Require the person executing a DPA on a commercially available form to specifically and explicitly agree to each grant of power rather than crossing out only the powers he or she doesn't want to grant
- ◆
- Permit Interested parties¹ to petition a court to terminate a DPA when abuse is suspected
- Hold agents to fiduciary standards like those which trustees and executors are held to, and provide for
- ◆
- Require notification of the person who executed the DW (or a designated third party) whenever a transaction over a specified amount is contemplated or completed
- ◆
- Create a public registry of those convicted of DW abuse
- Require that the agent post a surety bond
- Require that the person executing the DPA designate a third party with power to revoke it if the person should become incapacitated
- Require the designation of more than one agent in each DPA
- Require the agent to provide an annual accounting to a court of law
- Require mandatory reporting of suspected cases of DPA abuse

Part Seven: Profiles of Programs

The following list of programs which address financial abuse to the elderly is not exhaustive. Rather, it is a sampling of innovative programs which have been identified across the country. It is intended to provide an overview of the scope of programs which have been developed and enable readers to obtain additional information.

Louisville. Kentucky's Coalition to Prevent Financial Abuse

In Louisville Kentucky, a group of local professionals applied for and received Older American Act funding under the National Eldercare Campaign to develop six neighborhood based coalitions of professionals and community individuals aimed at preventing elder abuse. One of the six neighborhood coalitions which was organized under the grant chose to focus its attention on training bank tellers and managers about elder financial abuse with the hope of extending the project to other banks and communities in the future. The coalition included four bank branch managers, two pastors, several older persons, social workers, an insurance agency, a convenience store manager, and a hardware store manager.

Using a curriculum which was developed under another grant from the American Bar Association, the coalition provided training in financial exploitation to bank tellers, supervisors, and branch managers. The curriculum, which covers indicators of financial abuse and protective interventions, was designed to help bank personnel identify problems with customers. The curriculum also addresses situations which fall into the grey area between financial mismanagement and financial exploitation. It instructs the bank personnel to make referrals to state and community social service agencies and advises them to consult with the agencies about problematic situations.

Once the prototype training and materials had been developed, efforts were made to extend the project to other banks. Coalition members contacted representatives from the city's 12 banks and invited them to a training. Nine of the banks sent representatives, most of whom were from the institutions' marketing and public relations departments.

According to project staff, the key to the coalition's success in enlisting the support of the banking community can be attributed to Louisville's Community Ministries. The ministries are neighborhood social service agencies that are sponsored by local churches and which receive governmental contracts for providing services to elderly and low income persons. The Ministries have several banking personnel on their boards of directors who were instrumental in getting banks involved.

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Massachusetts Bank Reporting Project

When adult protective service workers in Massachusetts expressed concern that bank tellers were not aware of community resources, the Massachusetts's Executive Office of Elder Affairs responded by initiating a collaborative project with the Executive Office of Consumer Affairs and the Attorney General's Elderly Protection Project. The Office of Elder Affairs oversees 27 private, non-profit home care agencies that provide protective service case work under the state's voluntary reporting statute. The Office of Consumer Affairs is the regulatory agency for the banking industry in the state. Later, the Massachusetts Bank Association also joined the project.

The project which provides training to bank personnel throughout the state in how to identify and report financial exploitation, was developed in two stages. During the first stage, the group worked with a small bank to develop a model protocol and procedures for investigating and responding to abuse. The bank that was chosen had already established a working relationship with APS in previous abuse cases. While state personnel initially worked with the bank's customer relations department other bank employees became interested and involved over time. The protocol which was developed was two pronged. The first details procedures for making reports to protective service agencies and the second includes policy for in-house investigations of suspected abuse.

Once the protocol was developed, other banks were enlisted to participate. A 5-state regional bank got involved and the protocol was presented at a training for branch office personnel, managers and head tellers at the institution's 22 branch offices. The training included presentations by protective service workers on how to detect financial abuse and how to make reports to community agencies. The bank's associate general counsel and security officer presented the protocol. Case discussions were used to demonstrate how reporting had resulted in positive outcomes. The one half hour to two hour trainings further served to help establish relationships between the bank and social service personnel.

Protocol for Reporting and Investigating for Banks

From the Massachusetts Bank Reporting Project

If confronted by an elder customer wanting to withdraw a substantial amount of money in cash, a person accompanying the elder appearing to pressure them, or a person claiming to be acting for the elder in their absence, the bank employee should perform the following action steps in a courteous manner.

1. Learn the reason for large transactions, This is especially important if the withdrawal is unusually large for the elder concerned. Ask the elder, not anyone with him or her, the reason for the withdrawal or change in activity. If the person with the elder does not let him or her speak, this is a red flag.

2. **Check authorization to act for elder.** If the person with the elder claims to be acting for them (or if they come in alone) check all documentation. Exploiters often lie about their position or powers. The exploiter may tell you that the elder cannot visit the bank him or herself and they are just helping out. Explain politely that you need verification of the customer's wishes. Some exploiters claim to be guardians or possess a Power of Attorney Always check documentation to be sure that the person claiming to be acting for the elder is authorized to do so. Signature cards must always be checked. If the signature or transaction appears suspicious, a telephone call can be made to the elder for verification.

3. Provide a Confidence Crime and/or Financial Exploitation Alert Form. Warn customers of the dangers of carrying cash. Ask them to read and sign the confidence crime and/or financial exploitation alert form. Tell them this is a bankservice for their protection. Explain the form (you may want to read it aloud) and take time to answer questions,

4. Get photographic evidence if possible. Photographic evidence of scams, which are carried out by strangers to the elder, is critical. A surveillance photograph may be the only way to identify the perpetrator. Many experienced tacit exploiters will avoid the surveillance cameras. Try to position the suspect so that the surveillance camera can get a clear image. Call them over to you if necessary,

Similar to family, acquaintance or fiduciary exploitation, a surveillance photograph can effectively disprove a suspect's claim that he never went to the bank to cash the forged checks, or to make withdrawals.

5. Consult with security/management. Notify security immediately (before the customer leaves the bank) if you feel there is a significant threat to their safety You may also consult with senior bank officers or security any time you feel uneasy, and request they speak with the customer, "our bank may also want you to fill in an Incident/Suspected Abuse form" even if you were satisfied with the responses given by the customer.

Remember: Time is the enemy of financial exploiters. The longer you delay the transaction, the more likely that the elder will realize that something is wrong, or the suspect will become afraid and leave.

Staffing for the Bank Reporting Project, which was provided by the Office of Elder Affairs using Older American's Act Title VII funds, included a director who had the assistance of four or five other individuals, legal interns and administrative assistants. Relationships were also established with the Federal Reserve and the Massachusetts Bankers Association. The Federal Reserve provides facilities for meetings and trainings and the Banking Association has offered to provide funding for printed materials. Individual banks have offered to help produce a video.

To date, the project has produced an employee training manual and trainer reference manual for bank personnel. Project staff are currently working with banks throughout the state. The institutions can participate at whatever level they like from purchasing the training protocols to simply purchasing brochures for customers. Project staff are also discussing the possibility of developing protected accounts with the banks.

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For information on how to obtain a copy of the report contact:
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Boston, MA 02108
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Elder Person's Estate Unit
Bunco-Forgery Division
Los Angeles Police Department

In 1987, the Los Angeles Police Department established the Elder Person's Estate Unit within the Department's Bunco-Forgery Division to investigate cases ranging from the theft of automated teller cards to complex cases involving the misappropriation of property through powers of attorney, quitclaim deeds, wills, or living trusts. In addition to investigating cases, unit detectives Chayo Reyes and Dave Harned provide guidance to other divisions of the LAPD and train APS workers, public guardians, ombudsmen, and other service providers in LA and nationally.

Contact: Detectives Chayo Reyes and Dave Harned
Bunco-Forgery Division, Elderly Person's Estate Unit
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(213) 680-1424 FAX



Under a grant from the Delaware Criminal Justice Council, the state's Department of Health and Social Services initiated a project to investigate allegations of financial exploitation of the elderly, develop educational materials, and advocate for victims within the criminal justice system. The Department used the funding to hire a retired state police detective who was assigned to cases of financial abuse that were identified through APS intake to serve as a bridge between the client, the social service system, and the criminal justice system. Because victims were often fearful of the system and reluctant to file charges, one of his duties was to meet with victims in their homes, explain what would happen in court, prep them prior to testifying, bring them to the victims compensation board, and escort them to counseling sessions. Under the project's educational component, project staff initiated a campaign to encourage seniors to direct deposit checks and use checking accounts rather than carrying cash.

By the end of the first year, the project had generated more business than one person could handle and a part time person was brought on to assist. While the funding for the project has been depleted, the APS program was able to hire the part time employee and continues to serve a significantly higher number of financial abuse cases than it had in the past. The unit also still benefits from the relationships that it established with the criminal justice system and the deputy attorney general under the grant.

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Lawyers for Elder Abuse Prevention (LEAP)

In 1992 a group of private attorneys in San Francisco founded Lawyers for Elder Abuse Prevention (LEAP) in response to the escalating number of elder financial abuse cases they were seeing. The goal of the program is to provide education and information about financial abuse and protective measures to the elderly, professionals who have contact with the elderly, guardians, and the general public. Since its inception, LEAP has expanded statewide and is currently in the process of incorporating as a private non-profit corporation. It hopes to become a national organization in the future. LEAP held its first conference on abuse in 1995 and has published a brochure for seniors which is being replicated in other communities.

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FINANCIAL PROTECTION INFORMATION FOR SENIORS



**WHETHER YOU ARE ABLE
TO MANAGE YOUR OWN
FINANCIAL AFFAIRS OR
WHETHER YOU DEPEND
UPON OTHERS TO ASSIST
YOU, HERE ARE SOME
GUIDELINES TO HELP YOU**

- KEEP YOUR FINANCIAL INDEPENDENCE
- KEEP YOUR MONEY AND HOME SECURE
- PREVENT OTHERS FROM TAKING ADVANTAGE OF YOU.

**THIS PUBLICATION
WILL HELP YOU**

1. PROTECT YOUR MONEY
2. PROTECT YOUR HOME
3. PROTECT YOURSELF

Elderly Financial Management Project

Brookdale Center on Aging of Hunter College

The Reingold Institute has initiated a comprehensive, multifaceted approach to financial abuse prevention. To learn more about the problem and the service needs of victims, the Institute conducted a survey of two hundred case management and health care providers in New York City. The survey revealed that nearly 83.9% of the participating agencies had encountered cases of financial abuse including (in order of frequency) self neglect; financial abuse by a substance abuser who had moved in with the senior; someone living off the income of the senior; abuse by a home care worker; misappropriation of cash; and abuse of powers of attorney. When asked to list actions which they had taken when abuse was suspected, the most commonly reported actions (in order of frequency) were referral to protective services; referral to police; and referral to private attorneys.

Based on their findings, the project personnel concluded that the problem of elder financial abuse could be significantly reduced by promoting the development and expansion of daily money management services. They acknowledge that for this to happen, providers need to have their liability concerns addressed and they need to acquire skills in providing efficient and effective money management services. In response, project personnel developed training programs in both areas.

The project also identified the need for training to bank employees. In response, the institute developed training curricula for bankers and has conducted training programs. To assess the effectiveness of these efforts, the number of abuse referrals which the bank employees made subsequent to the trainings were monitored. The results indicated that the trainings resulted in significant increases in the number of reported cases.

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American Association of Retired Persons (AARP)

Money Management Program

In 1981, AARP launched a money management program which was designed to assist low income older or disabled people who were having difficulty budgeting, paying routine bills, and keeping track of financial matters. The program's goal is to promote and prolong independent living for individuals who are at risk of losing their independence due to inability to manage their financial affairs. AARP volunteers provide two types of service: Bill Payer and Representative Payee. The program is offered in partnership with state and local agencies throughout the United States, including area agencies on aging, departments of social services, churches, private non-profits, and case management agencies.

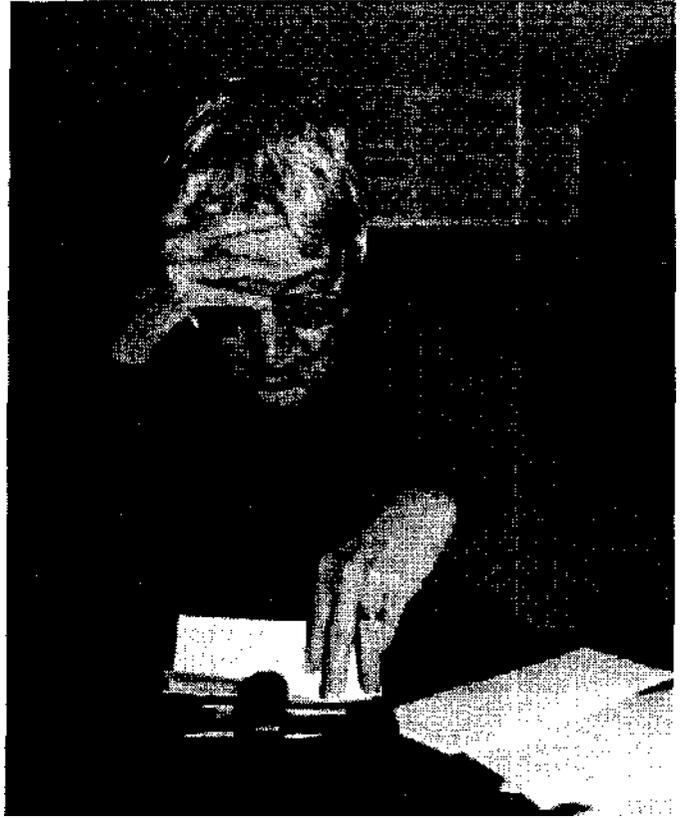
The money management program operates under two models: local and state-wide. Under the local program model, AARP provides technical assistance to help develop the sites, recruits volunteers from the AARP membership, trains the program coordinators and the first group of volunteers, provides ongoing technical support and a monitoring system for the volunteers' work, and offers limited insurance for the client funds handled by the volunteers. The sponsoring agency publicizes the program, develops a client referral network, matches volunteers with clients, and provides ongoing supervision for volunteers. Under the statewide model, a state agency takes on all of the responsibilities which would otherwise be handled by AARP with the exception of the volunteer recruitment and insurance of client funds.

The program currently has 78 sites in 20 states and the District of Columbia. All but two sites offer representative payee services and; 47 sites offer bill payer services. In 1994, 2,504 clients were served; 1,231 by representative payees and 1,273 by bill payers. The sites range in size from one to eighty active clients, with the average program serving twenty clients.

Survey of Money Management Services

AARP has also conducted a survey to assess the current supply of money management services. The survey, which was patterned after the one developed by the Jacob Reingold Institute, Brookdale Center on Aging of Hunter College (see page 23), was sent to hundreds of non profit and proprietary organizations, soliciting information on the services they offer, their costs, and their use of volunteers. The organization has received 350 completed surveys and is in the process of analyzing the data.

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Fiduciary Abuse **Specialist Team (FAST)**

The Los Angeles FAST team was developed to provide expert consultation to local APS, Ombudsman, Public Guardian and other case workers in financial abuse cases. The team was organized in response to the fact that local adult protective service workers were encountering increasingly complex cases of financial abuse and exploitation. Resolving the cases frequently required an understanding of financial management, insurance, investments, real estate, probate law, criminal law pertaining to financial abuse, and issues of mental capacity which was beyond the scope of any single agency.

The team includes representatives from the police department, the district attorney's office, the city attorney's office, private conservatorship agencies,

and health and mental health providers. A retired probate judge, a trust attorney, an insurance agent, a realtor, an escrow officer, a stock broker and estate planners also serve on the team. Consultants join the team by signing a memorandum of understanding (MOU) in which they agree to provide their professional opinion and advice at team meetings, provide up to two hours of telephone consultation in emergency situations, attend an orientation session, educate the public about abuse and advocate for better alternatives for elderly persons in need of protective services. FAST is staffed by a coordinator who is employed by a local not-for-profit agency. The coordinator recruits consultants, plans orientations and educational presentations, sets up meetings, provides liaison and sends out agendas, case summaries and minutes. City and county aging departments, as well as the private agency which administers the project, provide financial support. The FAST coordinator and consultants have also provided training to bankers and police officers across the state of California.

FAST recently lost its funding and is in the process of identifying alternative sources. In the meantime, the team is continuing to operate with the volunteer support of its members.

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Resources on Financial Abuse

Financial Exploitation of the Elderly. Produced by the Geriatric and Gerontology Education and Research Program, University of Maryland (at Baltimore) School of Law. 1992. This educational package was developed by Diane Hoffman, J.D., University of Maryland School of Law, and Patricia Powers, Ph.D., University of Maryland School of Social Work. It includes a 26 minute video which provides a dramatized case example, a background paper, and a comprehensive listing of written resource materials. The package can be purchased for \$35 from the University of Maryland at Baltimore c/o G-Gear Program; 511 W. Lombard Street, 6th Floor; Baltimore, Maryland 21201. (502) 564-7043

Problems With Money Management (1995). This module is part of a series, Clinical Protocols for Care Managers produced by the Philadelphia Corporation on Aging. It describes the range of money management options from assistance with bill paying to long-range financial planning. It includes an 8 minute video and an in-depth training booklet which describes interventions to assist with money management tasks, mechanisms for providing for surrogate decision making, decision trees, discussion questions, and case examples. The module can be purchased for \$45 from the Philadelphia Corporation for Aging. Action Duplication; 555 North Lane, Suite 5075; Conshohocken, PA 19428. (215)765-9000.

Training Manual for the Prevention of Financial Abuse of the Elderly (1993). The manual, which was produced by the Suffolk County Executive's Task Force on Family Violence, was designed for training personnel in the banking industry in financial exploitation and other forms of elder abuse. Copies can be obtained by contacting: Carole Pickney: Suffolk County Executive Task Force on Family Violence; Suffolk County Office for the Aging; 395 Oser Avenue; Hauppauge, NY 11788; (516) 853-3691.

Financial Abuse Education Project. Produced by the St. William Center in Louisville, Kentucky, this training program includes eleven modules on financial abuse which cover indicators, profiles of perpetrators and victims, victims' reactions to abuse, problems with interventions, and prevention strategies. Copies can be obtained for \$10 by contacting Thorn Snyder; 1226 W. Oak St; Louisville, KY 40210; (502) 634-0531; (502) 634-4020 (FAX).

Recognizing and Prosecuting Elder Financial Abuse: "The Crime of the 90 V" Notes from a workshop by Dennis Morris, Chayo Reyes, and David Harned at the Adult Protective Services Conference; September 20, 1995, San Antonio, Texas. Available from Dennis Morris, Assistant District Attorney; City and County of San Francisco; 732 Brannan Street; San Francisco, California; (415) 552-6400.

Abuse and the Durable Power of Attorney: Options for Reform. Government Law Center, Albany Law School. An analysis of problems related to DPAs and recommendations for how they can be addressed. To obtain copies, contact: Meg Reed; Government Law Center, Albany Law School; 80 New Scotland Avenue; Albany, New York 12208-3494. (518) 445-2329.

Improving the Police Response to Domestic Elder Abuse: Police Executive Research Forum. A guide for law enforcement agencies which includes modules on elder abuse, aging, investigation, the aging services network, ethical issues, and a resource directory. Information on financial abuse is included throughout the training guide. For information, contact PERF; 2300 M Street NW, Suite 910; Washington DC 20037; (202) 466-7826.

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