

A Day in the Life of Adult Protective Services – II Financial Abuse

A Profile of the
Financial Abuse Reports
Received in California on

Friday, March 5, 2004

Presented by:
County Welfare Directors
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A Day in the Life of APS II – Financial Abuse

A Profile of the Financial Abuse Reports Received in California on March 5, 2004

EXECUTIVE SUMMARY On March 5, 2004, Adult Protective Services (APS) in California received 111 reports alleging financial abuse. Examples include the following:

- An 82-year-old man was tricked into giving \$34,000 to a stranger. He attempted suicide as a result.
- The step-granddaughter of a 92-year-old woman stole her purse with ATM, bankbook, Medi-Cal and Medicare cards.
- A 27-year-old developmentally delayed man with severe scoliosis, cerebral palsy, and seizure disorder requires total care. There is a concern that family members may be using his trust fund inappropriately.

Elders and dependent adults are increasingly the victims of financial abuse. This is a serious problem in our society and is frequently referred to as the “crime of the 21st century”. Financial abuse can be perpetrated by another person, or can result from the inability of an elder or dependent adult to manage his/her own financial affairs. Financial self-neglect accounted for a total of 5,382 confirmed cases in California in 2004, while financial abuse perpetrated by others accounted for 4,948 confirmed cases.

RESULTS

- More than 20 million dollars in assets were at-risk on March 5, 2004.
- Therefore, \$4.8 billion in assets are at-risk every year in California.

According to the 2000 census, the overall population in California is 50% male and 50% female, whereas the 65+ nation is 58% female and 42% male.

PROJECT LIMITATIONS

- This project was certainly not a scientific study, but rather a forum for the dissemination of information about financial abuse.
- PSOC had not initially planned on doing this follow up to “A Day in the Life” thus we were unable to plan to obtain the same information from each case
- APS statewide was only able to find 98 of the 111 financial abuse cases that were a result of a report on March 5, 2004.
- In reviewing the cases, we were unable to get a true picture of the assets at-risk because in many of the cases we were unable to obtain the information
- The project was limited to California. Other states may find different results.

SOURCE AND ACCURACY OF DATA The data presented in this report represents 98 of the 111 financial abuse reports in the original “*A Day in the Life of APS*”. Therefore, the data is incomplete. This was due in part to concerns about client confidentiality

during the first project, which resulted in some counties failing to record the case names. Thus counties were unable to identify eleven of the financial abuse cases a year later.

In addition, the following possible variables in the data should be noted:

- Interpretations of survey questions or definitions of terms by individuals completing the questionnaire;
- Unavailability of historical data;
- Data processing errors at the various stages of collecting, recording and coding; and
- Lack of representation of all counties.

Appendix A contains a copy of the questionnaire used for collecting case data.

Brief History of Adult Protective Services and Financial Abuse

INTRODUCTION

A greater number of people are living well into their 80's and 90's, often becoming increasingly dependent on others to manage their physical needs, as well as their financial affairs. Another vulnerable population are dependent adults, whose limitations restrict their ability to adequately protect themselves. With this increased dependence comes the risk that others may exploit the individual's vulnerability to their own advantage.

California has the highest number of elders compared to any other state. The 2000 census reports that 3,595,658 people 65 and older live in California. By the year 2010, it is anticipated that this segment of the population will increase 28% to 4,605,000.

Financial predators target the elders and dependent adults. This is particularly seen in California, where property values are the highest in the nation. Home sales are brisk, creating an environment where the predators, quite often family members, actively seek victims. Con-artists, limited only by their ingenuity, are quick to discover new methods of exploitation. Scams, such as foreign lotteries, the sale of costly and ineffective annuities, and fraudulent home repairs, are prevalent.

Given these factors, financial abuse of elders and dependent adults is becoming a serious problem in our society, and is often referred to as the "crime of the 21st century". The impact of this crime can be devastating and life-threatening. Elders have little chance of recovering the income and property they have worked for their entire lives. Moreover, a Journal of The American Medical Association study (Lachs et al, 1998) found that an elder victimized by financial abuse has a decreased projected life-span compared to an elder who has not been financially abused.

All 58 California counties' Adult Protective Services (APS) programs contributed data on every report of adult abuse received on March 5, 2004. The information gathered was analyzed in a publication entitled "*A Day in the Life of APS,*" which can be found on the County Welfare Directors Association of California website (www.cwda.org). Of the 327 reports received on that day, 111, or approximately one-third alleged financial abuse of elders or dependent adults.

The actual number of incidents of abuse is likely much higher. It is estimated that only 1 in 14 incidents of elder abuse is actually reported (Pillemer and Finkelhor, *Gerontologist*, 1988). With financial abuse, it is estimated that only 1 in 100 incidents is reported (*The Fleecing of America's Elderly,* Consumer's Digest, April 2000).

Given the magnitude of this problem and its devastating impact on this population, "*A Day in the Life of APS II – Financial Abuse*" was created to provide a more in-

depth look at the financial abuse reports generated on March 5, 2004. “*A Day in the Life of APS II –Financial Abuse*” focuses on the outcomes of the 111 reports, including the value of the assets at risk or lost (over \$ 20 million in one day).

Additionally, this report includes information on the scope of financial crimes; the types of financial abuse perpetrated against elders and dependent adults; one vignette describing a specific example of financial abuse from each county in California; current efforts throughout California to combat financial abuse; and obstacles to combating this problem.

It is anticipated that “*A Day in the Life II – Financial Abuse*” will provide a more complete picture of this crime, and therefore a greater understanding of the issues surrounding financial abuse.

A Day in the Life of APS II – Financial Abuse

A Profile of the Financial Abuse Reports Received in California on March 5, 2004

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CHAPTER ONE

FINANCIAL ABUSE AND THE IMPACT ON SOCIETY

INTRODUCTION

While elders and dependent adults are particularly vulnerable to financial abuse, the fact is that financial abuse, whether fraud, theft or embezzlement, can happen to any member of the public. We live in a society in which certain unethical individuals do not think twice about seeking and seizing an opportunity to take advantage of those who do not have the ability or awareness to protect their finances.

The purpose of this chapter is to identify who are the most vulnerable individuals to some form of financial abuse, who are the most likely perpetrators, and what are the most common types of financial abuse affecting our society.

WHO ARE THE VICTIMS?

The opportunities to commit financial abuse have increased dramatically over the last several years. In response, the majority of us have become a less trusting society. Generally speaking, when someone offers us a service or product at an unreasonably low price, or the opportunity to “get rich quick,” our first reaction is, in a word, doubt. This is a healthy and necessary reaction, because all too often the person making the offer is in fact attempting to scam us. This is especially true when we do not know the person at all or very well.

But this questioning impulse we have adopted was not always such a knee-jerk reaction, and there was certainly not as much of a reason to have it. Until the last few decades, the people that made up our communities were referred to as the “trusting generation.” A sense of trust and *community* were the accepted norm of the era. This is not to say that there had been no crime until recently, but we have come to accept financial crimes of which, as a standard part of our lives, we do what we can to avoid becoming victims. For this reason, our seniors are particularly vulnerable to the frauds and scams which have become so prevalent in our society.

However, our seniors are also from a generation that did not have home computers. The current generation has become as reliant on computers as previous generations had become on telephones and televisions. Therefore, it is this generation, as well as those to follow, who find themselves particularly vulnerable to a relatively new kind of financial abuse: scams involving the internet. In addition, there are a number of types of financial abuse to which anyone may fall victim without even making a poorly-informed decision, simply because the availability of information provides

would-be perpetrators with several ways to obtain credit card numbers and/or Social Security numbers. These instances of financial abuse fall into the category of identity theft, an extremely far-ranging crime that is growing faster than ever.

What all of this suggests is that *every one of us* is a potential victim, and we all must be extremely cautious in how we protect our hard-earned assets.

**WHO ARE THE
PERPETRATORS?**

The range of potential perpetrators of financial abuse can include anyone whose greed surpasses his or her own respect for others and regard for individual ownership. In a vast majority of cases, the abuser is the victim's personal caregiver – which means that it is very often a member of the victim's own family. A son, daughter or even a grandchild who has access to their family member's credit or debit cards, checks, or some other means to withdraw savings from bank accounts, frequently exerts undue influence. Other types of abuse as evidenced in threats, intimidation, isolation, or psychological tricks such as the imposition of guilt or acting overly sweet, are often used by those whose true motive is to tap into the financial resources of an unknowing provider, often until there is nothing left.

In addition, there are the scam artists. These individuals who make a living out of using their charisma and charm to prey on innocent strangers. They will often take advantage of a victim's solitude, isolation and/or trust by playing the part of a potential new friend, sweetheart or financial advisor. The prospect of newfound and ongoing affection or greatly increased income or property becomes impossible to resist, and the depletion of the victim's funds can begin almost immediately (although sometimes it takes longer for the con artist to establish enough rapport with the victim to start the process). The victim maybe in denial about what is happening, and therefore the attention he or she receives might be worth the unfortunate circumstances that go along with it. In an all-too-common scenario, if the victim is lonely enough, whatever reservations he or she has are superseded by the false sense of happiness provided by a con artist who pays more attention than the victim's family ever did.

There are also those perpetrators who operate on a much shorter-term basis. They are still considered scam artists, because they use deception and misrepresentation to achieve their ill-gotten gains. However, they employ more of a quick-getaway mentality and use a more "hit-and-run" method by offering a service at a discount rate, and then bolting once the payment has been made. Often the service offered is in the area of home improvement, and some "work" will be done which leaves the victim's house, garage or driveway in worse shape than it had previously been. All of these scams will be examined in more detail in the following section of this chapter.

**TYPES OF
FINANCIAL
ABUSE**



Identity Theft

A married couple receives an e-mail alert that their bank has encountered fraudulent activity recently, and that the bank is reviewing the accounts of all its clients. The message requests the couple to click on a link in order to “update its bank records.” The page on the link requests them to input their credit card numbers and Social Security Numbers. The e-mail looks official, with the bank’s logo displayed in the corner of the screen. Responding to the apparent urgency of the message, the couple follows the instructions and forwards the updated information to the “bank.” Within a few weeks, they receive their monthly credit card statement, and listed among the purchases are several very expensive items which were clearly not made by the couple. The couple contacts the credit card company. Following an investigation involving their bank, it is determined that the e-mail message the couple received was not from their bank, but from cyber-criminals who created a phony mass mailing (in which they cut-and-pasted the bank’s logo), in order to obtain credit card numbers and use them to make purchases. The couple is a victim of “phishing,” which essentially means the use of sophisticated lures to fish for information to use for identity theft and financial loss. Law enforcement is then brought into the investigation.

Identity theft is an emerging criminal problem throughout the nation. The perpetrators of identity theft obtain and use another individual’s personal data for economic gain, usually by way of a Social Security number, credit card/bank account number, date of birth, or driver’s license number. This information is then used to commit theft or fraud. According to the Los Angeles City Attorney’s Office, the perpetrators have been known to use many different methods to obtain personal information, including an initial theft of the victim’s wallet or mail, rummaging through the victim’s trash or through trash bins behind stores or medical/dental buildings for clients’/patients’ personal information; and using information obtained through the victim’s workplace. Other methods include calling and posing as a credit card company or financial institution in order to verify personal information in the victim’s files, and using the internet in different ways, such as setting up a fake website.



The example described above is what is known as “phishing” or sending a fraudulent alert soliciting personal information through the internet, using a legitimate business name as a ruse. In this example, the fall-out from the couple’s error in responding to the message was minimal. However, there are hundreds of thousands of cases every year in which the resulting



damage can be much more serious. Standard consequences include a negative credit report (affecting applications for home or car loans, credit cards, or employment), negative balance or shortfall in a bank account, civil litigation, initiation of a criminal history *on the victim*, arrest warrant issued for the wrong suspect, etc. The amount of time, energy, money, and emotional anxiety to resolve each case of identity theft is immeasurable.

Confidence Crimes

An elderly woman responds to a knock at her front door. A man dressed in handy-man clothes (overalls, a trucker cap, a toolbelt, etc.) tells her that he is a contractor and has just finished up a job repaving a driveway in the neighborhood. He still has some asphalt left over in his truck, and if he doesn't use it, it will go to waste. He tells her that he noticed her driveway looked like it hadn't been repaved in a very long time, and that he could make it look a lot better if she is interested. He says he will give her a really good deal because she seems like a very sweet lady. She is charmed by his kind demeanor and accepts his offer. They negotiate a price ("normally I would charge \$900 for a job like this, but I will give it to you for \$650") and he gets to work. He spends about 45 minutes dumping some black sludgy material all over her driveway. He tells her it will take a couple of days to "set," she pays him for the job, and he disappears. The mystery material never "sets" and anyone who attempts to step on it sinks a few inches. One can only imagine what would happen if somebody attempted to drive a car onto the driveway.

In the words of the National Association of Bunco Investigators (NABI), there are Three G's which best describe the mindset behind those who commit confidence crimes: Greed, Gullibility, and Goodness. Needless to say, greed is the perpetrator's driving force, while gullibility and goodness are the traits of the would-be victim he wants to take full advantage of, in order to deceive him or her into handing over a large sum of cash.

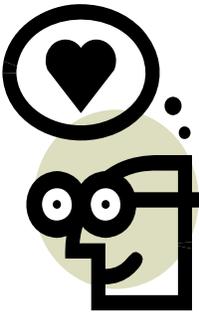


The "con" in con artist is short for confidence, and this particular type of financial abuse is so-called because the perpetrator – in this case the con artist – uses deception to gain another's confidence. In the example described above, the con is a home repair scam. **Transient Criminal Activity** is common in the summer months. A variety of home repairs, such as tree trimming, roof repair, driveway repair and vehicle repair, are offered to elders by nomadic crime groups.

The "con-tractor" gains the victim's confidence by appearing professional, courteous, and eager to do a good job at a low price. His angle was that he was in a bind. He simply had to get rid of the leftover asphalt in his truck, or it would go to waste. Therefore, the victim was

made to believe she was getting a great deal. In the end, she got swindled.

That is the mission of the confidence artist: to make the target victim think that he or she has the upper hand. Confidence crimes are committed using any combination of deceit, manipulation, trickery, and false pretense. In addition, to home repair scams, confidence crimes include utility employee impostor scams, in which a con artist tells a resident that he needs to make utility repairs in order to gain entry into his/her home; bank examiner schemes, in which the perpetrator waits outside a bank, pretends to be a bank employee and asks a victim to withdraw money so that he can “check the serial numbers” on his/her bills; as well as fraudulent phone and sweepstakes solicitations and auto repair scams.



Sweetheart Swindles / Fortune Telling Schemes

A lonely-looking man is approached in a supermarket parking lot by a very attractive young woman. She tells him that she has seen him around and asks if he might be interested in going for a drink. Flattered by the attention of the young woman, he gladly accepts and is quickly seduced by her smile and conversation. Within a few weeks, she has relayed to him her sad life story, the difficulty she has had making ends meet, and the attraction she feels toward him. Shortly thereafter, she has gained his trust, and convinces him to let her move into his house, and starts “borrowing” his credit card to purchase “necessities” for herself. With great sadness, she then tells him about her uncle who lives in her home country and has become gravely ill. Her family cannot afford the medical bills, but if he is left untreated he will die. With tears in her eyes, she tells her “sweetheart” that if he truly loves her, he will give her the money to send back to her relatives. Without much hesitation, he writes her a check for \$15,000, and she gives him a big hug and tells him she needs to cash it right away and wire the money to her family. She walks out of his house, and that is the last he sees of her and his money.

The “**sweetheart swindle**” is an opportunity for the perpetrator to take advantage of the victim’s loneliness and likely recent loss of a spouse or long-term relationship. The sweetheart can meet the elder in many situations whether it is at the library, bank, church or other location. Perhaps she was his dying wife’s caregiver. A common scenario is based around the notion that an older man who does his own grocery shopping is likely to live on his own. Furthermore, he may be a widower and miss female companionship. So the parking lot of a supermarket is often a territory that is staked out by the perpetrator. From there, the swindler

will target the victim's vulnerabilities by paying him compliments, smiling and making eye contact, eventually making physical contact and using other effective tricks to win him over. Once she senses that he is willing to open his heart and wallet to her, the stage is set for her to use a sob story about a relative who lives very far away. The final strategy is to make him feel guilty if he does not help her out.

It would appear that anyone who falls for this swindle must be extremely naïve and helpless, but the perpetrators of this crime are true professionals. They know exactly how to make their "casual" approach, flirt, and play upon the victim's weaknesses. The example described above is only one of several scenarios in which the perceived loneliness of an individual is exploited. The victim can be male or female, older or younger, and come from any background. The perpetrator has probably done this before.

Fortune Telling scams also exploit what is perceived as something missing in the victim's life: in this case, a sense of direction or purpose. The victims often have emotional and/or relationship problems, in which their threshold to believe what even a stranger "reveals" about them is very low. Generally the first consultation is inexpensive, but before the end of the session, victims are told that a curse has been placed on them and that additional "work" is necessary. The follow-up readings, rituals and "cleansings" are significantly more expensive. By the time the victims realize they have been scammed, the fortune teller has closed up her parlor and moved on to lure in more unsuspecting clients.



Sweepstakes

The **Canadian Lottery** is a worldwide scam that was featured on the program "60 Minutes". Telemarketers working in a boiler room call an elder at home and announce the elder as the "lucky winner" of an enormous sum of money. The one hitch, says the lottery employee, is that since the winner doesn't live in Canada, taxes must be paid up front. The victim is asked to wire a sum of money as soon as possible. The victim, of course, never sees any prize money. It should be noted that there is a real Canadian Lottery, but tickets can only be purchased in Canada. In addition, it is a federal offense to play a foreign lottery over the phone or by mail.

It is not unusual for this scam to continue beyond the initial call. A second call for additional fees may occur or perhaps a call saying that the person delivering the winner's check has disappeared and \$5,000.00 or more is needed to hire an investigator to track him down. Victims of

this scam have become destitute in an effort to collect their winnings. Losses can total in the thousands if not hundreds of thousands of dollars. In more than one case, when the realization sets in that they have been scammed, the victim has become suicidal.

As is seen with other forms of gambling, victims of the Canadian Lottery are likely to be competent. They will tell you they understand it is a scam, yet will return to the bank the next day to wire more money to win the lottery.

In the **Nigerian scam**, the victim will receive an e-mail, fax or letter from the son or other relative of the royal leader of a small and likely unknown country in Africa. The letter, typed in all capital letters, reads further that prior to his death at the hands of rebel forces, the royal leader was able to deposit \$26 million in a bank in the Netherlands. The victim is told that help is needed from a kind American citizen to release the funds from the bank. For his efforts, the victim will receive 10% of the money. In order to get the money, the victim will have to provide personal information such as a bank account number, social security number etc.

On occasion, the victim travels to get his money. In one case in Santa Clara County, the victim traveled to Ghana in an attempt to obtain the promised money. By the time he arrived, he was penniless, his personal savings had been stolen, and he lived in a homeless camp for several months before the Repatriate Program could return him to San Jose, California.

Annuity Scams / Predatory Lending



A self-proclaimed “senior estate planner” offers a free seminar to individuals who are interested in setting up or updating a living trust. Following the seminar, the planner schedules an individual appointment with one of the participants in her home. At this appointment, he requests her to provide him with her financial records and documents, and he gathers detailed information about her assets and investments. Having persuaded the client that he is an expert in living trusts and earning her trust, he persuades her to “move” her money out of her risky existing investments to an annuity where it can earn higher interest with no risk. In making his case, he speaks quickly and uses a lot of legalese and financial terms. But he is articulate and professional, and appears to have a great deal of knowledge about financial matters, so she agrees to transfer her investments. He arranges a second visit to deliver the completed trust and have the documents signed and notarized, and title of assets transferred to the trust. The “planner” turns out to be a scam artist who fraudulently sells trusts and annuities to senior citizens.



While seniors are an easy target for investment scam artists, the truth is that any individual who has only a vague understanding of financial matters can fall victim to a scheme such as the example described above. When a professional-looking “trust advisor,” “senior estate planner,” or “paralegal” misrepresents the disadvantages of his client’s current investments and offers a no-risk alternative which can yield higher interest, the deal can be impossible to resist...even when it appears too good to be true.

An annuity is essentially a contract in which an individual receives fixed payments on an investment for a specified number of years. For many seniors, an annuity serves as a primary income source following retirement. The California Attorney General’s Office states that through fraud and deceit, scam artists can damage seniors’ estate plans, as well as the security of their investments and life savings.

According to the U.S. Department of Housing and Urban Development (HUD), in communities across the country, people are losing their homes and their investments because of predatory lenders, appraisers, mortgage brokers and home improvement contractors who:

- Sell properties for much more than they are worth using false appraisals.
- Encourage borrowers to lie about their income, expenses, or cash available for down payments in order to get a loan.
- Knowingly lend more money than a borrower can afford to repay.
- Charge high interest rates to borrowers based on their race or national origin and not on their credit history.
- Charge fees for unnecessary or nonexistent products and services.

Many times an annuity will be sold to an elder under the guise of protecting her assets to ensure their children’s inheritance, in addition to making the elder eligible for Medi-Cal to pay for a skilled nursing facility. While there are legitimate annuities on the market, these particular annuities have lengthy maturity dates and stiff penalties for early withdrawals. For example, a 90-year-old may be approached by a financial planner who provides “advice” on how to go about becoming eligible for Medi-Cal. The victim doesn’t realize that the maturity date of the annuity is the year 2050 making it impossible for her to ever use the assets for their care unless she pays stiff penalties. In addition, all the beneficiaries of the policy are themselves over the age of 70. The financial planner has just made a \$40,000.00 commission and has likely given the victim the wrong advice.

Predatory lending refers to unscrupulous and aggressive lending practices that take advantage of vulnerable borrowers. Elders are targeted as they

usually have substantial equity in their homes. They are pressured into taking out a mortgage loan that contains deceptive terms, and soon cannot afford to pay it back. The loan, secured by that same property, is defaulted. The lender profits on the oversecured loan as the house falls into foreclosure.

Other scams

In a **charity scam**, a scam artist will take advantage of news stories, especially those involving a recent high-profile tragedy, by setting up a fake donation campaign. Following the September 11 terrorist attacks, the December 2004 Asian tsunami, and Hurricane Katrina, several charitable organizations appealed to the public for contributions. Almost immediately, the scammers followed suit through fliers and websites, claiming to be legitimate organizations which would send along donations to the victims. The perpetrators request the donations to be sent to an address which is usually an anonymous post office box, and the true victims do not receive one penny of those donations. As a result, the good-hearted contributors themselves become indirect victims of the tragedy. Two fraudulent organizations which were set up after Hurricane Katrina were recently identified and shut down in California.

There has also been an effort to take advantage of the recent changes to Medicare coverage - specifically the prescription drug benefit ("Part D"). Similar to the annuity and predatory lending scams, a self-proclaimed "expert" offers to clarify the fine print and fill out the paperwork if the victim provides all of his financial records. Needless to say, these records include credit card and Social Security numbers and even blank checks, and needless to say, no paperwork ever gets completed.

These are just a few of the types of financial abuse being perpetrated these days. A host of future opportunities will present themselves, as long as confidence and scam artists show no shame in taking advantage of those who are not accustomed to thinking twice about the kindness of strangers.

WHAT IS THE SCOPE OF THE PROBLEM OF ELDER ABUSE?

Researchers frequently suggest that the extent of elder abuse is unknown because most cases are never reported. We know that what is reported is just the tip of the iceberg. Research suggests that only 1 in 14 incidents of abuse is reported (Pillemer and Finkelhor, 1988). With financial abuse, it is likely that only 1 in 100 incidences is reported (*The Fleecing of America's Elderly, Consumer's Digest, April 2000*).

There are many reasons financial abuse is underreported. Many times an elder is aware of being financially abused but will not tell anyone about the problem. Fear of abandonment, loneliness and/or a fear of being forced to go into a nursing home prevents reporting of financial abuse. It becomes even harder to report when the abuser is a family member as is seen in 60 – 90% of the cases nationwide.

Other factors contribute to the problem of underreporting:

- Dependence on others. This can be the need for assistance in ADLs (Activities of Daily Living), and/or IADLs (Instrumental Activities of Daily Living) such as bill paying, transportation to medical appointments, and grocery shopping.
- Lack of a support system.
- Grief and loss.
- Depression.
- Trusting others too much.
- Guilt or shame.
- Cognitive impairments such as dementia.
- Mental health problems .

HOW DO YOU SPOT ELDER ABUSE?

There are many indicators of financial abuse:

- Frequent expensive gifts from elder to caregiver
- Purchases that do not fit the elder's spending habits, such as the purchase of a new car, or the inappropriate choice of a new car (such as a Hummer for a 96-year-old) when the elder no longer drives
- Missing money, credit card(s), ATM card, papers, antiques, jewelry or other personal belongings
- Caregiver's family moves into elder's home
- Numerous unpaid bills - either the elder is unable to manage his/her finances or lacks sufficient funds due to financial abuse
- Piles of mail with sweepstakes solicitations
- A recent will or Power of Attorney
- Changes to a long-standing trust
- Relative or caregiver's name added to bank account

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- Elder unaware of monthly income and expenses
 - Elder signs a loan or mortgage
 - Elder signs documents but doesn't know what they mean.
 - Frequent checks made out to cash
 - Unusual activity in bank account
 - Elder has been taken to banker or attorney
 - Family member or caregiver refuses to spend money on elder
 - Signatures on checks and legal documents that appear to be forgeries.
 - Placement in nursing home or residential care facility against elder's will or estate plan.

**THE EFFECTS OF
THE PROBLEM**

Financial abuse not only impacts the victim, but our whole society.

The perpetration of financial abuse by **extortion** (taking money or property through pressure, threats or intimidation); **fraud** (taking money or property by deception or misrepresentation), or outright **theft**, affects everybody.

The impact is felt individually, on an emotional level; socially, as it affects our society as a whole; and economically, as those who become victims must often then rely on public assistance. Elders often lack the ability to recoup what they have worked for their entire lives. Insurance can only partially compensate for most losses (and only for those who have insurance policies in the first place) and efforts at obtaining restitution through the legal system do not always make a victim "whole," as the restitution may simply not occur.

A victim of financial abuse becomes depressed, often due to the shame and embarrassment of being scammed. Grief and depression frequently follow the shock of realizing that a victim's child has taken advantage of him or her. A study reported in the Journal of the American Medical Association (Lachs et al, 1998) indicated that victims of elder abuse had a three times higher mortality rate than non-victims.

The need to recognize financial abuse as early possible and prevent it from continuing are critical to the health and well-being of our elders and dependent adults.

**THE ROLE OF
ADULT
PROTECTIVE
SERVICES**

The Adult Protective Services (APS) program reflects California's commitment to ensuring the safety and well being of the state's most vulnerable and at-risk older and dependent adults. APS is a state-mandated and county-operated program that receives thousands of abuse reports each month. APS is charged with investigating reported incidents of abuse, conducting thorough assessments of victims, and the risks they

face. When appropriate, APS social workers develop plans for intervention to reduce or eliminate these risks, and provide advocacy and support to ensure that those plans can be carried out. Adult Protective Services is the recognized entity in the community for reporting suspected abuse and neglect of elder and dependent adults. The general public, and in particular mandated reporters, rely on APS when their concerns require the involvement of trained professionals who have the skill and knowledge to address an array of abuse and neglect situations.

A principal role of Adult Protective Services is to investigate the alleged abuse and involve the active participation of law enforcement when appropriate. Upon receipt of an abuse report involving criminal complaints or when an APS investigation finds criminal abuse, APS immediately cross-reports the allegations to law enforcement or another investigative agency that has jurisdiction. Similarly, law enforcement agencies that receive reports of elder or dependent adult abuse cross-report those incidents to APS. A partnership is thus established between APS programs and law enforcement agencies, as well as the district attorney offices across the state. With increasing awareness of APS' presence, this partnership has grown tremendously over the last decade. APS often brings a unique perspective and expertise to the investigation, which results in the prosecution of crimes. This in turn leads to enhanced victim protection and is illustrated in the effectiveness of Financial Abuse Specialist Teams (FAST) in addressing financial abuse.

Applying established social work skills in combination with expertise on aging and disability, the APS workers go beyond investigation of abuse to establish rapport with victims. This promotes an environment where change can occur. Multi-cultural staff, many of which are bi-lingual, further increase the effectiveness of APS in California's diverse communities. Adult Protective Services workers are agents for change. For clients who are capable of self-direction and self-advocacy, APS can often help with information, resources and linkages to empower the client in the attainment of goals and objectives. For clients who lack the ability to meet their own needs or to protect their own rights, APS workers take a more active role in ensuring that their needs are met and safety is established.

The APS worker conducts an in-home assessment of the client and the situation. The APS worker evaluates the client's appearance, health status, support system, and ability to perform daily activities, as well as the physical environment and safety of the client's home.

Of particular interest in financial abuse cases is the APS worker's evaluation of the client's mental/cognitive status. It is critical to determine if the clients have the ability to understand and make decisions

about their health care, finances, and estate planning. Individuals who have cognitive impairments are at greater risk for financial abuse, and APS has more of a responsibility to protect them and their assets. When appropriate, the APS worker works closely with the client's physician or mental health practitioner to assess the client's capacity to understand and make medical and/or financial decisions.

Interventions depend on clients' needs and their relative capacity to meet those needs, in relation to the degree of risk. Possible interventions include:

1. Ensuring that the client is linked to health care. The APS worker can arrange for transportation to see a doctor as needed.
2. Providing counseling, information and resources to clients.
3. Arranging for appropriate care when caregiving arrangements have not been adequately provided or have been disrupted.
4. Contacting family members and others to determine their potential to take a more active role in caring for clients.
5. Involving law enforcement agencies in protecting clients when appropriate, and advocating for criminal investigation of cases when evidence supports such action.
6. Assisting clients with obtaining restraining orders against suspected abusers and/or advocating for the issuance of emergency protective orders.
7. Working with physicians to obtain necessary assessment and documentation of disability/functional deficit, when needed.
8. Taking steps to ensure clients' bills are paid, and arranging for restoration of terminated utility services when necessary.
9. Arranging for money-management services; Meals-on-Wheels/congregate meals and transportation to group activities in order to avoid isolation.

CHAPTER TWO

Demographic Information on the 2004 Financial Abuse Referrals

Summary:

- The typical victim is an 80 -year-old female
- The perpetrator will be someone she knows
- The abuse will sadden and depress her, her well-being will be impacted, and the abuse may shorten her life.

Demographic Data from “A Day in the Life”

This chapter contains the follow-up information from “A Day in the Life of Adult Protective Services” which compiled and analyzed basic demographic information from every report of abuse and/or neglect received in California on March 5, 2004. Of the 327 reports received that day, 111 contained an allegation of financial abuse.

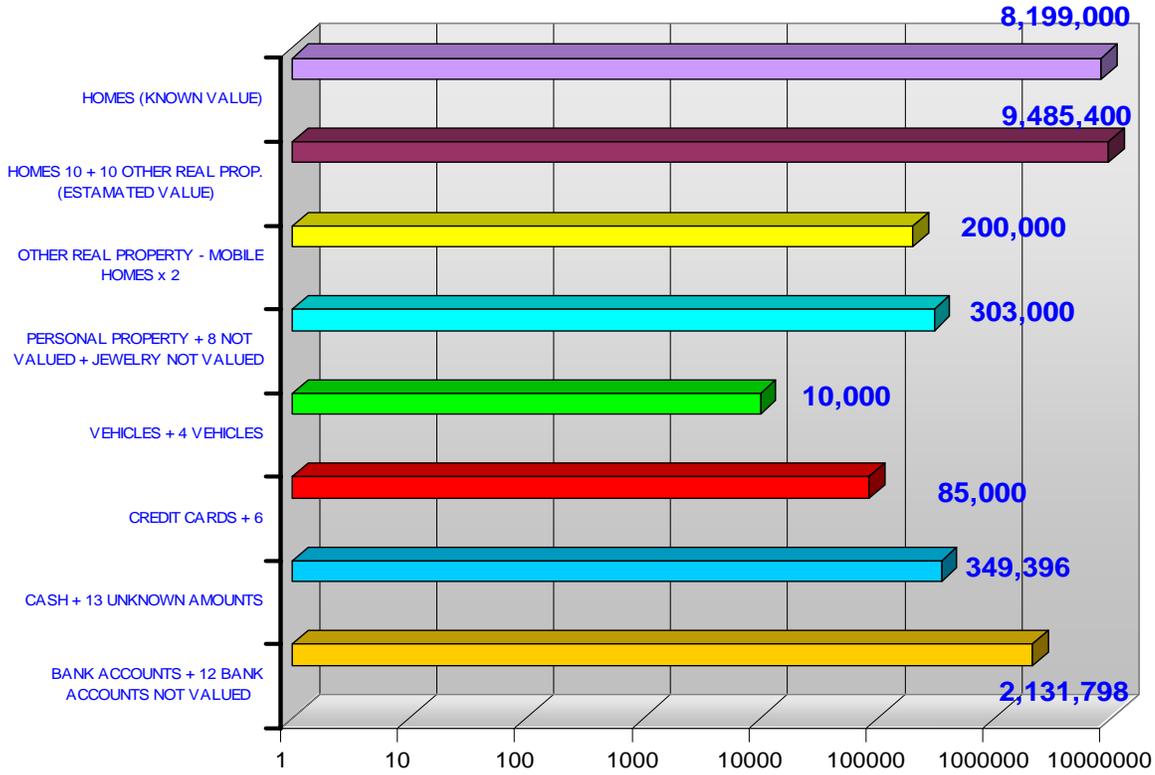
It should be noted that when the CWDA Protective Services Operations Committee (PSOC) first planned the work needed to publish “A Day in the Life”, we did not make any decisions about the project beyond the original concept. This means that in many of the 58 counties in California, there was no recording of the case name or number used to complete the original project. Later, PSOC decided to follow up on the original “Day in the Life” by focusing on one specific type of abuse - financial abuse. Retrieving the cases from March 5, 2004 turned out to be problematic, particularly in large counties. Thus, this project, “A Day in the Life 2 – Financial Abuse (DIL2)” does not contain the information of the 111 reports that included a financial abuse allegation. Despite counties’ tireless efforts to determine which reports were used for the first project, three counties were unable to locate some or all of the cases in order to provide the follow-up data needed for this project. Those counties were Los Angeles, which retrieved thirteen of the twenty-four cases; El Dorado and Solano County, each of which was unable to find the one financial abuse case from “A Day in the Life.” Therefore, this project will analyze 98 of the 111 total financial abuse reports received on that day.

Of greatest interest to PSOC was the amount of assets at risk on March 5, 2004. The chart below reflects the assets that we were able to value. Some of the dollar values were calculated or assigned by the APS worker. The value of ten homes and ten other pieces of real property was calculated by multiplying the median price of a home in 2004 by the number of pieces of property.

A **conservative** estimate of the dollar value of assets at risk for elders and dependent adults in the State of California over a one year period of time, can be calculated as follows: 20 million (March 5, 2004 elder and dependent adult population) x 20 (the average number of working days in a month) = 400 million x 12 (months in a year) = **\$4,800,000,000 (nearly 5 billion dollars) in assets at risk in one year.**

ASSETS AT RISK

ASSETS AT RISK DURING ONE DAY IN



TOTAL ASSETS AT RISK ON THIS ONE DAY= 20,763,594

*MEDIAN PRICE OF HOME IN CALIFORNIA IS \$474,270 IN 12/2004
 $20 \times 474,270 = 9,485,400$

ASSETS AT RISK

The value of a client's assets is not always available to the assigned APS worker, and so in many cases we were unable to provide a dollar value to assets of which APS was unaware. The following chart reflects the assets at risk for which APS was unable to determine values. i.e., the number of cases where information was unavailable, (such as two mobile homes, jewelry, bank accounts etc.)

The following chart lists all property APS was unable to value.

PROPERTY	CASES	PROPERTY	CASES
Cash	13	Vehicles	4
Bank Accounts	12	Businesses	3
Personal Property	8	Jewelry	1
Investments	7	Assets Unknown	33
Credit Cards	6		

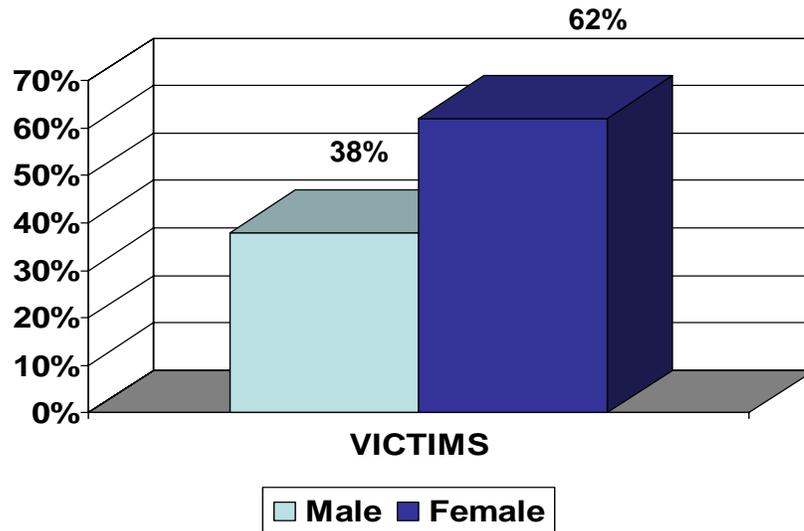
It is obvious from the information provided that far more than \$20 million in assets were at risk.

VICTIM DEMOGRAPHICS

As PSOC planned the follow-up to the original “Day in the Life”, we agreed to gather demographic information using IHSS designators for language, ethnicity etc. (see attached spreadsheet)

VICTIMS

Gender of Victims 65+

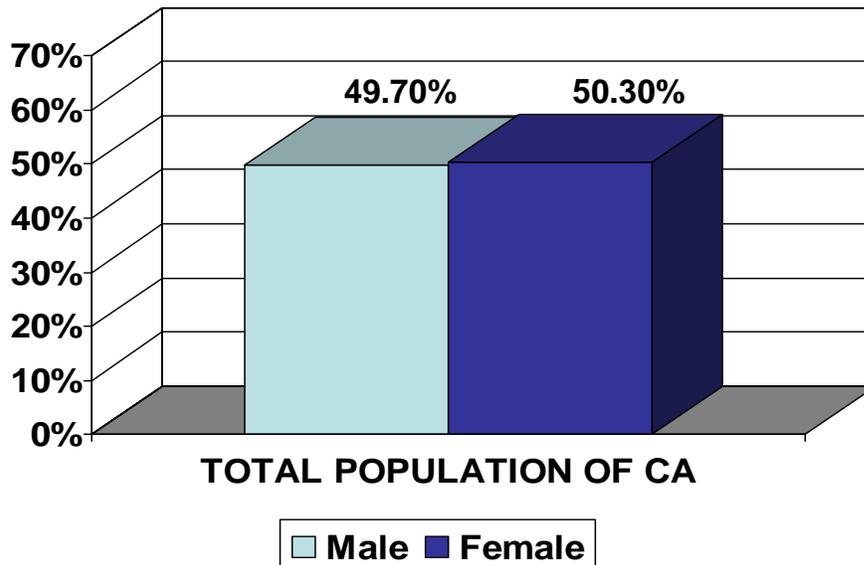


POPULATION

The 2000 census indicates that the general population is approximately 50% male and 50% female. The population of California reflects this statistic as well.

Note that in DIL2, 62% of the victims over 65 years of age are female. This trend is seen worldwide.

Population of California

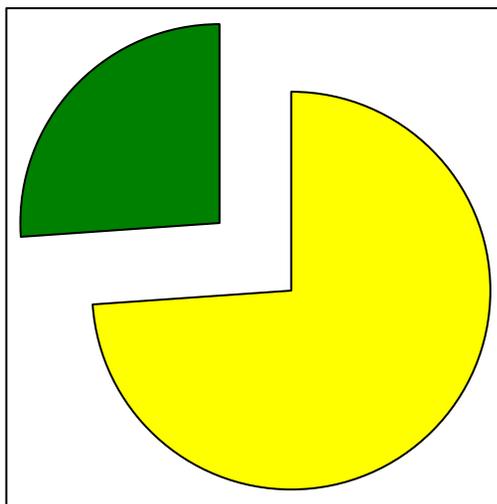


VICTIM DEMOGRAPHICS

RATIO OF ELDER TO DEPENDENT ADULTS

The Welfare and Institutions Code defines elders as 65 years and older. Dependent adults are between 18 and 64 who, due to physical or cognitive limitations, cannot advocate for themselves or carry out activities of daily living.

The chart below indicates that approximately $\frac{3}{4}$ of the victims are elders. Again, an elder victim is more likely to be female.

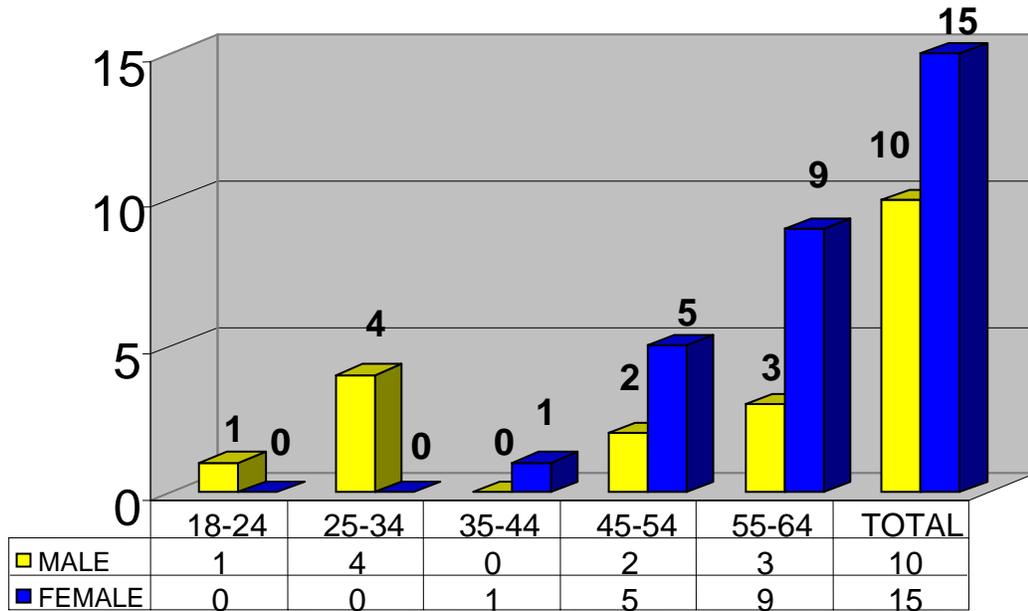


■ Elder 74% ■ Dependent Adults 26%

VICTIM DEMOGRAPHICS

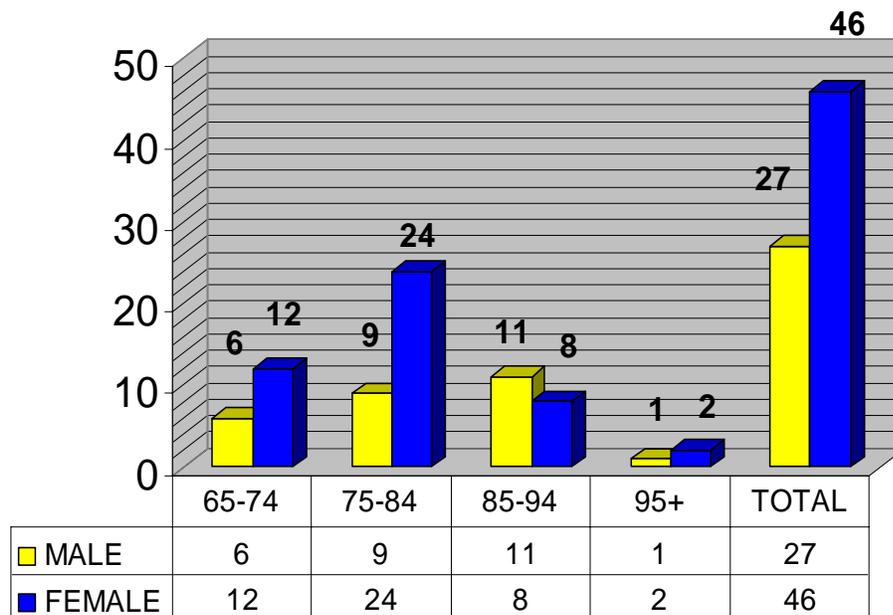
AGES OF VICTIMIZED DEPENDENT ADULTS

A dependent victim is more likely to be female.



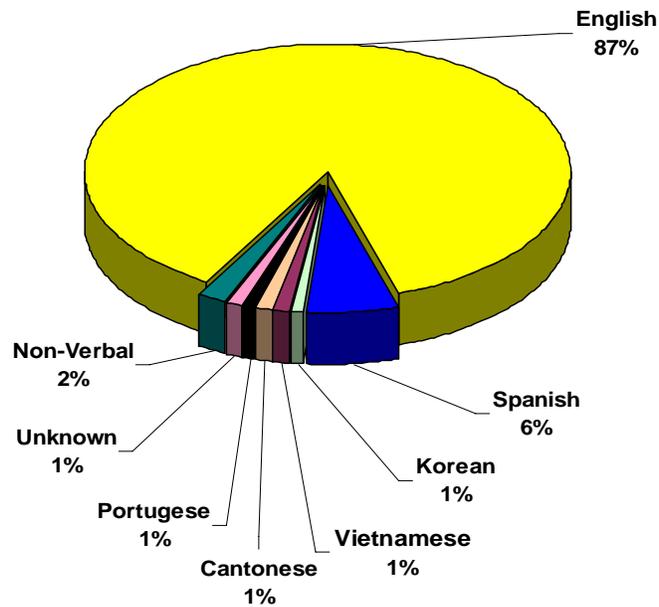
AGES OF VICTIMIZED ELDERS

The majority of elder victims can be categorized in the 75 to 84 -year-old age range.

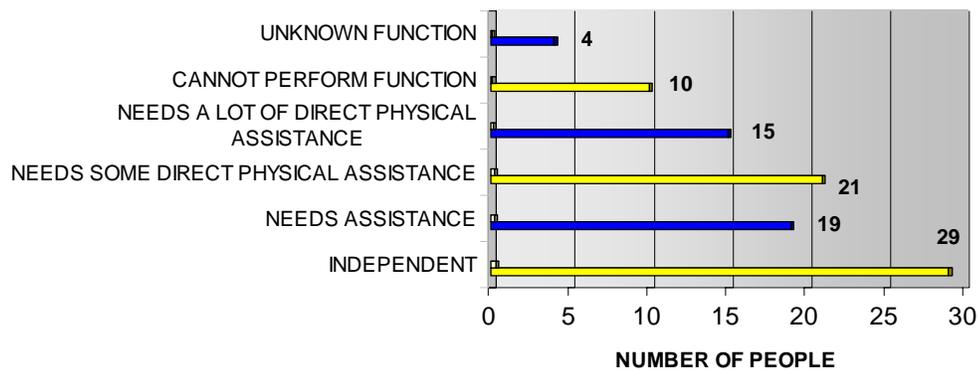


VICTIM DEMOGRAPHICS

LANGUAGES OF VICTIMS The chart below indicates that 87% of the victims speak English.



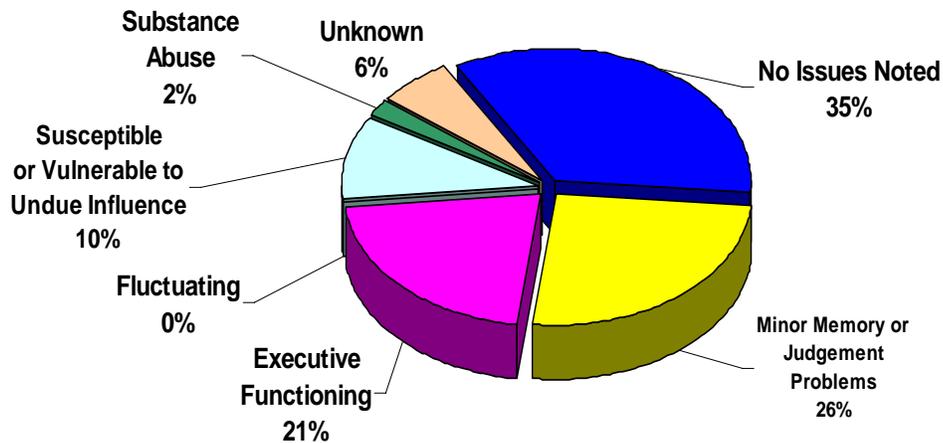
VICTIM'S LEVEL OF PHYSICAL DEPENDENCE 29-33 of the victims were independent.



VICTIM DEMOGRAPHICS

EVALUATION OF VICTIM'S MENTAL CAPACITY

APS Social Workers found that 35% of the victims had no issues relating to mental capacity, 26% had minor memory problems, and 21% had impaired executive functioning. Ten of the 98 victims required conservatorships, due to either impaired executive functioning or undue influence.



Exec. Functioning Impaired Required:

Cons of Person - 1

Cons of Estate - 3

Cons of Per. / Estate - 3

Undue Influence Required:

Cons of Estate - 2

Cons of Estate / Per. - 1

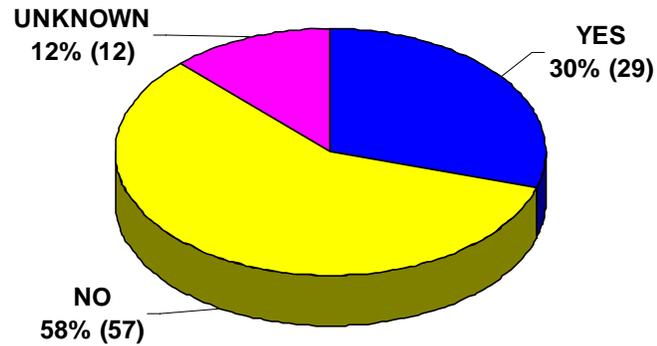
Total: 10

Total: 98

VICTIM DEMOGRAPHICS

DOES THE VICTIM HAVE MENTAL HEALTH ISSUES?

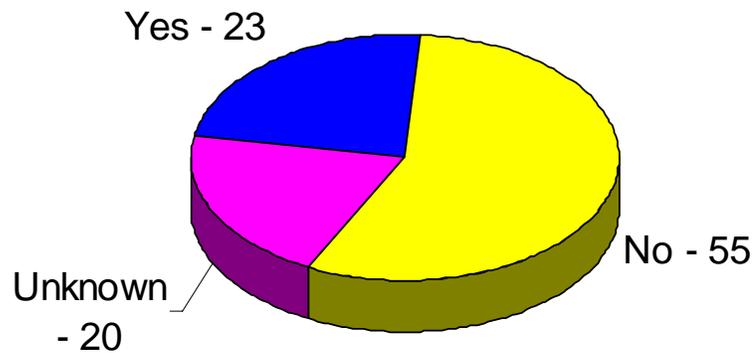
APS social workers found that 30% of the victims had mental health issues.



Total: 98

DID MENTAL HEALTH ISSUES CONTRIBUTE TO THE ABUSE?

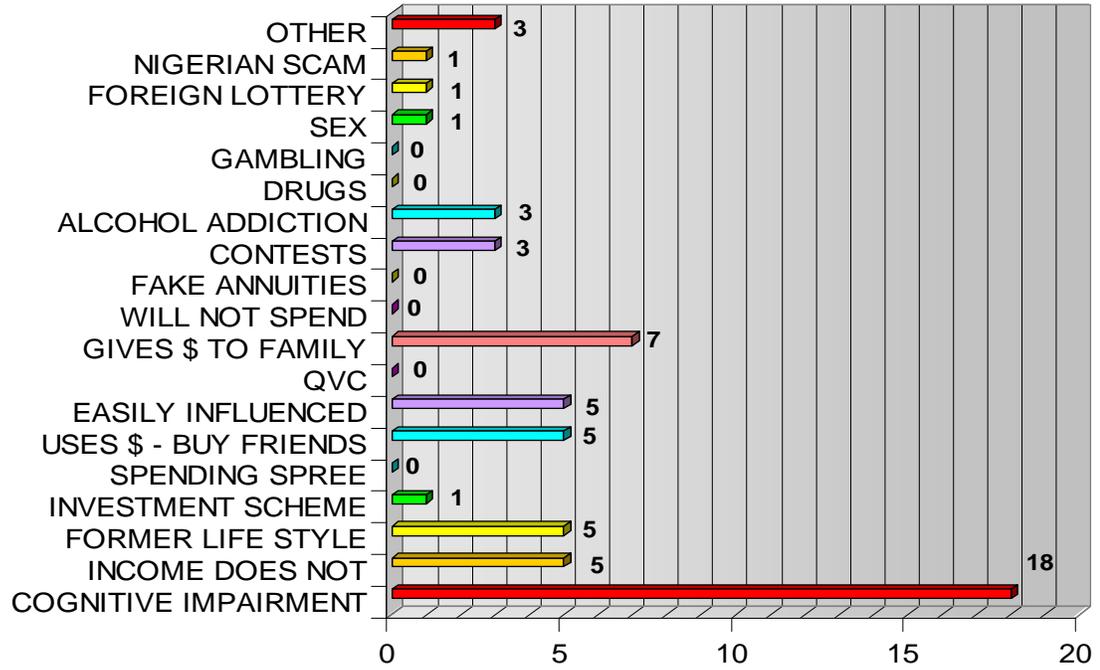
In the case of 3 of the unknowns, APS was unable to locate the client in 2 cases. The other client was referred to a law enforcement agency, and no APS services were provided.



Total: 98

VICTIM DEMOGRAPHICS

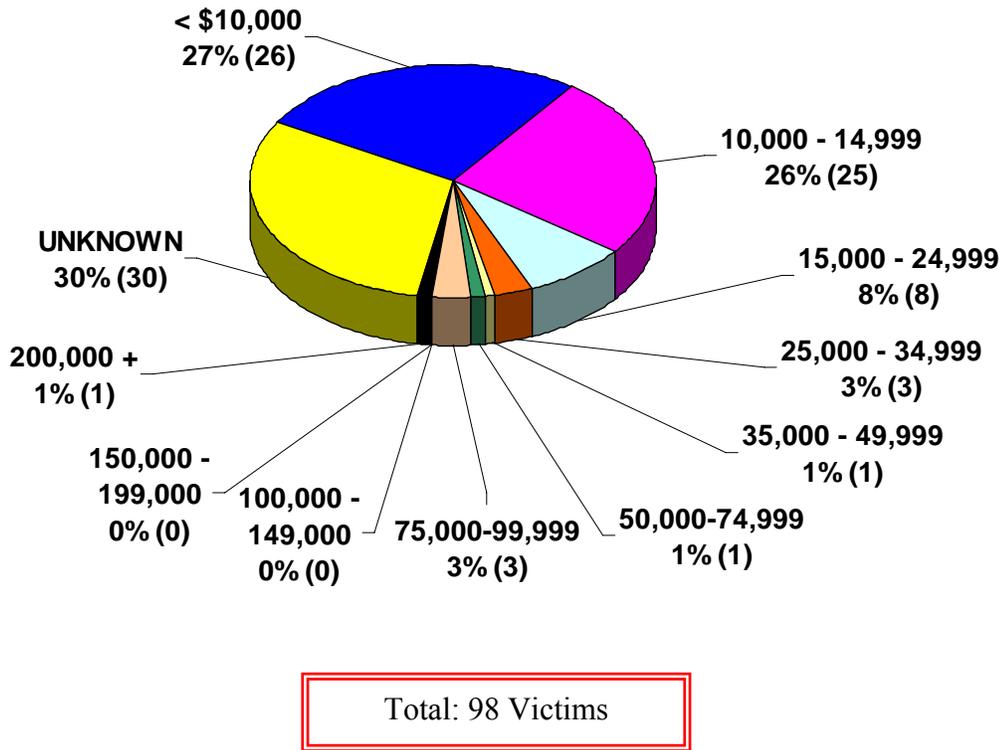
VICTIM'S BEHAVIOR OR RATIONALE CAUSING FINANCIAL SELF-NEGLECT



VICTIM DEMOGRAPHICS

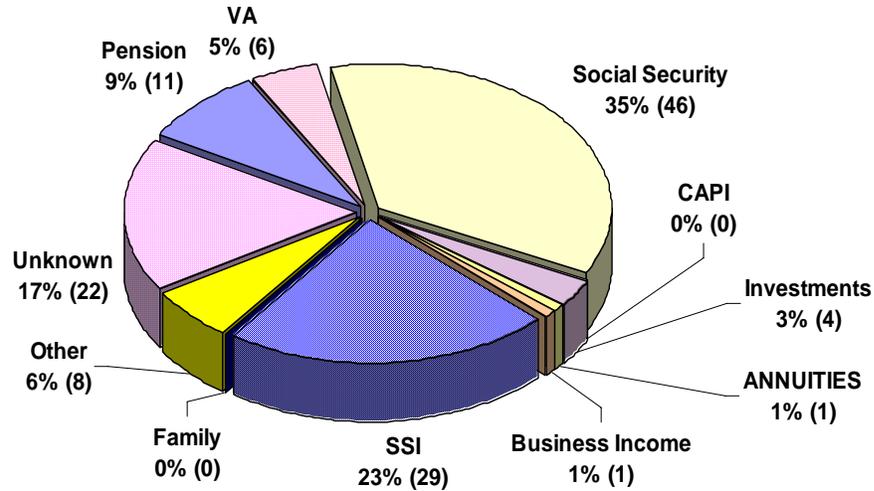
VICTIM'S INCOME

Victims ranged from the very wealthy to living below poverty level.



VICTIM DEMOGRAPHICS

VICTIM'S SOURCE OF INCOME



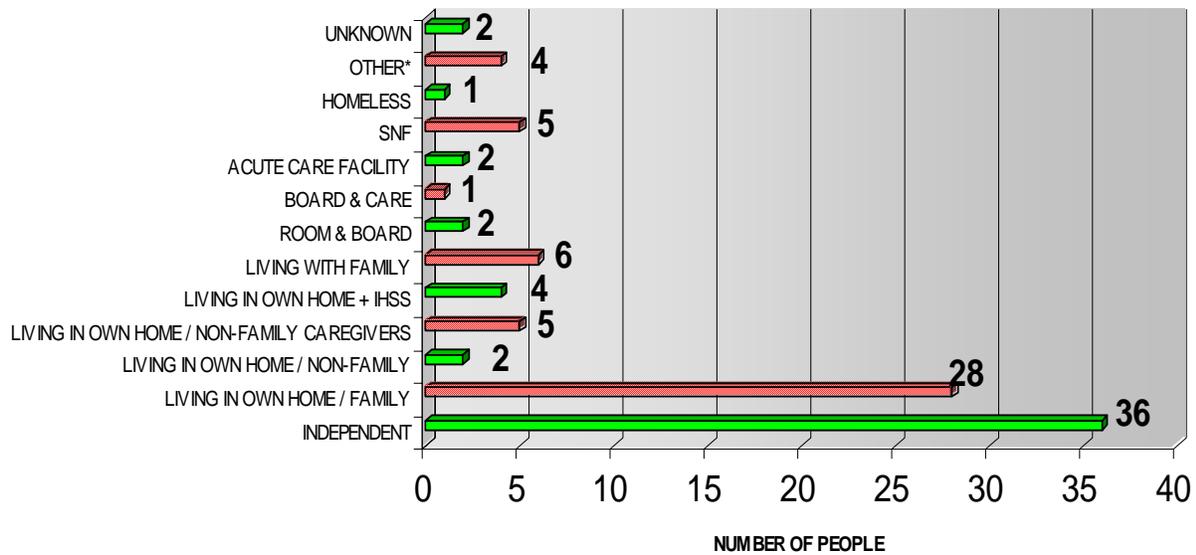
Total: 98 Victims

The 98 clients had 128 sources of income. Of the 98 clients, 25 had more than one type of income. One client is still employed, 4 have trust income, 1 has an insurance settlement, 1 has bond income and one has another type of income.

VICTIM DEMOGRAPHICS

VICTIM'S LIVING SITUATION

The majority of the victims (36) lived independently.

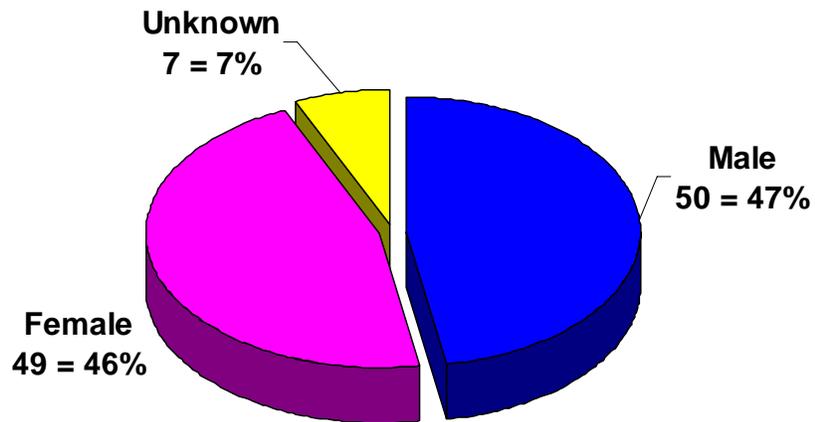


Total: 98 Victims

- * Other
 - 2 clients own home + Family + IHSS
 - 1 client unknown other
 - 1 client own home + LTC

PERPETRATOR PROFILE

GENDER OF PERPETRATORS Females were almost as likely as males to be perpetrators of financial abuse.

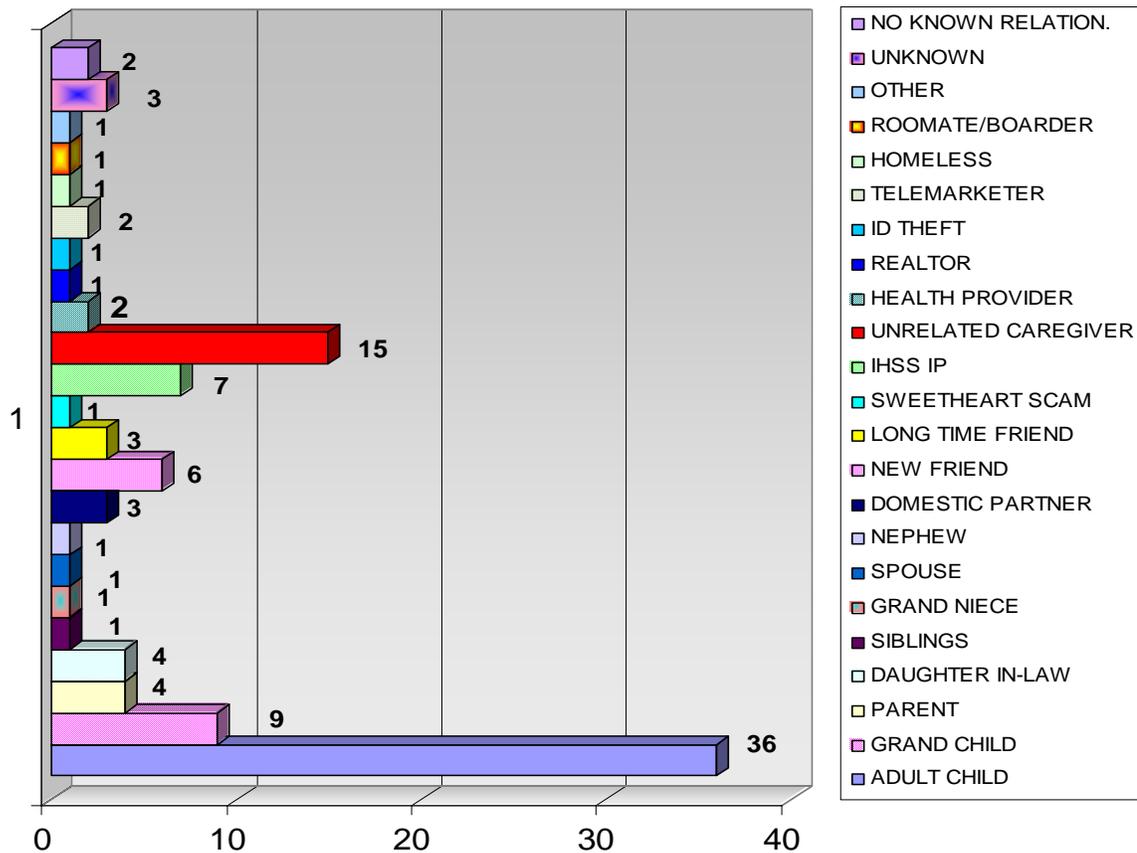


Total: 106 Perpetrators

PERPETRATOR PROFILE

RELATIONSHIP OF PERPETRATOR TO VICTIM

There was a total of 106 perpetrators, including the adult children and other relatives.(57% of the cases), a realtor (1%), a telemarketer (1%) and a homeless person (1%).

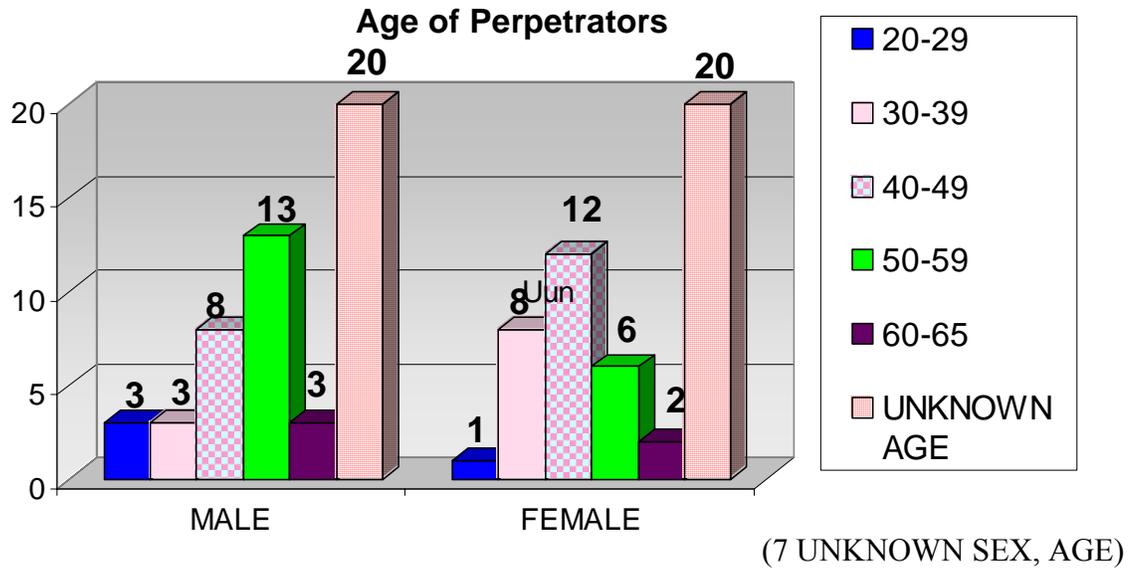


It should be noted that the parent who is the IHSS independent provider was counted in the parent column.

Total 106

PERPETRATOR PROFILE

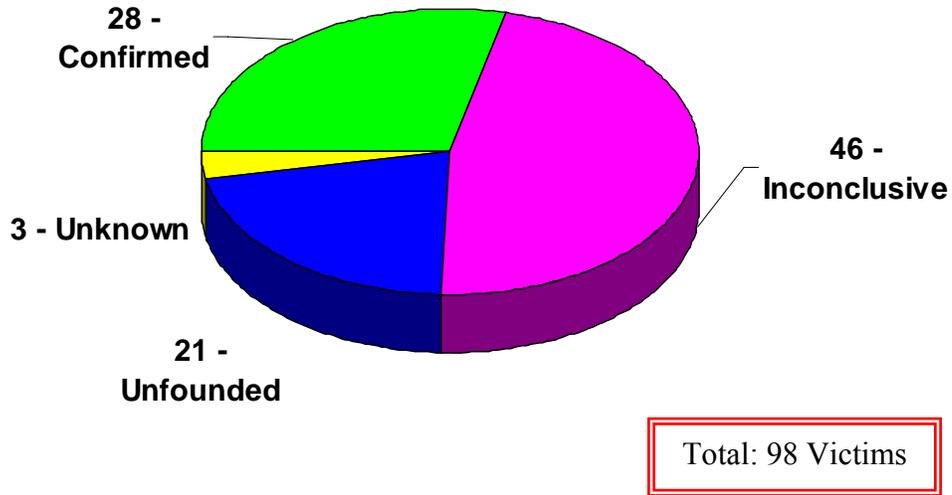
AGE OF PERPETRATORS



Total: 106 Perpetrators

RESULTS OF INVESTIGATION

DID THE ABUSE OCCUR? Only 21% of the cases were unfounded, which means the abuse, neglect, or self-neglect may likely have occurred in 79% of the cases.



CHAPTER THREE

BARRIERS IN COMBATING FINANCIAL ABUSE

INTRODUCTION

This chapter attempts to highlight barriers and challenges an APS worker can encounter when investigating a report of alleged financial abuse. Many of the topics in this chapter go beyond the financial concept of exploitation of our elder and dependent adults. However, each topic contributes to adult financial abuse cases across the state. This chapter will shed light on the complexity associated with financial abuse.

UNDUE INFLUENCE

A disturbing trend that is repeatedly seen by the APS worker is that of undue influence. Cults and brainwashing are terms from the latter part of the twentieth century, yet are very real tools used by others to persuade and manipulate competent individuals into doing something out of character.

Margaret Singer, Ph. D., a clinical psychologist and nationally renowned expert on this subject was interviewed by Nexus in March 1996. Singer was asked what a common theme was in her work from prisoners of war to cults, and now undue influence. Singer's response was, "The common theme is how people go about influencing each other with words through social and psychological manipulations." (www.preventelderabuse.org).

How is undue influence recognized? A typical scenario could involve an elder or dependent adult depending on another person for their care. This dependence creates trust. The elder or dependent adult's perception is that only the person providing the care can do the best job and only has the best interest for him/her. There is no other caretaker in the entire world that can do this job. Anyone else that may wander into the picture is out to steal money and place the elder or dependent adult into a nursing home. The caretaker will see that this will never happen to the elder or dependent adult. The caretaker can easily use this power to gain control over the elder or dependent adult, and thus gain control over all the finances, income, and property, making all decisions on behalf of the elder or dependent adult.

Undue influence can easily happen to intelligent individuals. When Singer was asked if vulnerability to undue influence reflects intelligence, she stated, "No. It has nothing to do with intelligence. But the more cognitively impaired someone is, the more easily they can be manipulated because they forget things and they don't trust their memories. But you can make anybody believe almost anything if you are enough of a con artist." (www.preventelderabuse.org).

**RIGHT TO SELF-
DETERMINATION**

Every adult has the right to self-determination. This concept is one of the most difficult to explain to members of community. Elder and dependent adults have civil and personal rights. An APS worker is charged with the professional practice point of ensuring the protection of these rights when working with elder and dependent adults. The community often perceives this task of providing intervention and prevention of adult abuse slow and time consuming. Adults do not relish being told what is best for them as determined by another adult. Everyone expects freedom of choice and independence. Anything less is considered insulting and demoralizing.

All adults are presumed to have decision-making capacity and are therefore afforded the right to self-determination, that is, the freedom to make decisions for themselves in all areas of their lives. The concept of autonomy reinforces this right to be free from unwanted interference, which means that there must be legal justification for any curtailment of autonomy. (*www.preventelderabuse.org*)

The APS worker's goal is to provide services that are the least restrictive and involves the elder and dependent adult in the decision making.

**MENTAL
CAPACITY**

Mental capacity is defined as:

1. sufficient understanding and memory to comprehend in a general way the situation in which one finds oneself and the nature, purpose, and consequence of any act or transaction into which one proposes to enter
2. the degree of understanding and memory the law requires to uphold the validity of or to charge one with responsibility for a particular act or transaction.

(Merriam-Webster's Medical Dictionary, © 2002 Merriam-Webster, Inc.)

The APS worker is often the first person to address the issue of mental capacity in reports of alleged financial abuse. Mental capacity can be applied medically and legally. The APS worker determines if mental capacity needs to be assessed by a qualified clinician. Only a qualified clinician can make the determination that an elder or dependent adult lacks capacity to make everyday decisions. If capacity needs to be determined in the legal arena, the clinician provides documentation to the court, as needed.

The common elements on a capacity report are demographic information on the patient, legal issues at hand, history of present illness, psychosocial history, informed consent from the patient, behavioral observations, tests administered, validity statement in regards to the tests administered, summary of the tests, diagnosis, and recommendations. (*Assessments of Older Adults with Diminished Capacity: A handbook for Lawyers.*)

APS workers are trained to recognize specific behaviors and evaluate the client's risk and ability to function. Once an APS worker requests a capacity determination, there is the challenge of obtaining one. Capacity determinations can be time consuming and expensive.

**CRIMINAL
JUSTICE SYSTEM**

Although financial abuse against elder and dependent adults is often viewed as a civil matter, in reality it is crime.

Financial abuse is not always obvious. When a perpetrator robs a store of \$3,000, he is observed by witnesses and perhaps caught on tape. Financial abuse does not have this luxury and is more subtle. For example, was forgery committed in transferring title or changing a will? These documents may not be readily available in the hands of the alleged perpetrator, and may have been destroyed. Fact-finding and background investigation is labor intensive. In the example of the robber, society sees an instant benefit: an armed and dangerous individual is off the street. On the other hand, when an APS worker is able to intervene and protect an elder person's assets of \$3.5 million. This is great for the victim, but doesn't impact the average citizen. This would appear to be the case, however if the \$3.5 million disappears, the average tax payer will eventually will be responsible for paying the cost of the elder's care.

The State Courts play an important role in elder and dependent adult abuse. A report, *Recommended Guidelines for State Courts Handling Cases Involving Elder Abuse* by Lori A. Stiegel, J.D. outlines the results from a Delphi Study in 1995. The following are some of the recommendations:

- Courts should recognize that the capacity of older persons may fluctuate with time of day, medications, etc. and should be flexible in scheduling hearings to accommodate those individual variations.
- Courts should use expert witnesses, evaluators, guardians ad litem, court investigators, court visitors, or interdisciplinary teams who are trained and knowledgeable about the problems of older persons to assess the older person's capacity.
- Courts should understand gradations of diminished capacity in order to more effectively manage and adjudicate cases involving elder abuse.
- Courts should consider that incapacity could increase the likelihood of abuse and, if necessary, order a qualified evaluator to conduct an unbiased assessment of the older person's capacity.

In January 2003, a *Report on States' Adult Protective Services Responses Exploitation of Vulnerable Adults* was completed by the National Association of Adult Protective Services Administrators (NAAPSA) for the National Center on Elder Abuse (NCEA). The report stated that 84.8% of respondents believed that the working relationship between APS and judges in responding to cases of financial exploitation could be

improved by training judges. Training for judges should include the dynamics of aging and the fact that family members may be perpetrators.

The courts should not re-victimize elders or dependent adults. The courts have an opportunity to ensure that the rights of the elders and dependent adults are protected.

**DATA
COLLECTION**

Data on financial abuse is neither uniformly nor systematically tracked. There are 58 counties in the State of California, each of which tracks data differently. Law enforcement tracks violent crimes, while the District Attorney tracks outcomes of court cases. Lack of reliable data creates very real obstacles to program credibility. (*State Adult Protective Services Data Management Systems, 2001 a Report completed by NAAPSA for NCEA.*)

If created, a statewide data collection system would have consistent and reliable information. This information could help create services for elders and dependent adults. The lack of data regarding the value of the assets lost through financial exploitation means states are unable to describe the fiscal impact on victims of these crimes. (*State Adult Protective Services Data Management Systems, 2001.*)

COMPLEXITY

Financial abuse cases are complex. A single case could involve experts in real estate, tax law, probate law, and Medicare, as well as accountants, lawyers, financial planners, mental health professionals, and the public guardian. Each area requires specific training and licensing from the state. One person cannot be an expert in all areas.

The following individuals or agencies can be involved in financial abuse cases as well:

- Commodities Futures Trading Commission
- Federal Bureau of Investigations (FBI)
- Federal Deposit Insurance Corporation (FDIC)
- Federal Trade Commission (FTC)
- Food and Drug Administration (FDA)

Collaboration with law enforcement, the District Attorney, and judges provides the best possible protections to victims of financial exploitation. (*Forgotten Victims of Elder Financial Crime and Abuse, Nerenberg, 1999.*) The *Report on States' Adult Protective Services Responses to Financial Exploitation of Vulnerable Adults* also indicated national, state and local projects to address financial exploitation should encourage and support interdisciplinary efforts, which involve a multitude of professionals.

LAWS

Laws are complex and sometimes contradictory as indicated in the section on undue influence. Although elder and dependent adult abuse is addressed in the Penal Code, undue influence is only contained in civil law and therefore has not been used in a criminal action. Elders, dependent adults, and their families can take the abusers to civil court if the case involves undue influence. However, this requires the elder, dependent adult, or family to pay for legal representation. The Civil Code and Penal

Code discussed in this section are listed in Appendix C.

Another notable law is the Family Law regarding restraining orders and financial abuse. Law enforcement agencies have the ability to take immediate action to protect elders. However, when the allegation is solely financial abuse, this action cannot be taken. Due to a lack of an immediate remedy by law enforcement, the alleged abuser has time to continue the financial abuse depleting the victim's savings.

Family Law §6250 regards the protective orders for an elder or dependent adult. Please note the underline was added to highlight the issue.

A judicial officer may issue an ex parte emergency protective order where a law enforcement officer asserts reasonable grounds to believe any of the following:

(d) That an elder or dependent adult is in immediate and present danger of abuse as defined in Section 15610.07 of the Welfare and Institutions Code, based on an allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought, except that no emergency protective order shall be issued based solely on an allegation of financial abuse.

The APS worker, law enforcement, and the District Attorney attempt to preserve the elder's and dependent adult's savings to the largest extent possible. It would be very easy to take a protective order into the bank to stop the alleged perpetrator from having continued access.

Often the alleged abuser will use legal tools to gain and maintain access to the elder or dependent adult's income, savings, and property. Durable power of attorney (DPOA) is a favorite tool. There is no oversight required by the law on registering or recording and it is easy to complete. There is no uniform understanding regarding the scope and use of a DPOA. The alleged abuser will often use to do as they choose and not carry out the wishes of the elder or dependent adult. A DPOA can be written to take effect from the time of signing. However more often used is a durable power of attorney that becomes effective upon the principal's becoming incompetent or unable to manage his or her affairs and that is often used as a form of advance directive. (*Merriam-Webster's Law Dictionary*, © 1996 Merriam-Webster, Inc.)

Another significant aspect of a DPOA is the requirement that the person signing it is competent. A DPOA can be completed with a lawyer or not. The American Bar Association has provided in their Model Rules of Professional Conduct (2002) Rule 1.14 which acknowledge the lawyers' assessment functions and provides some guidance for lawyers faced with this task. Otherwise, there is no oversight from a third party to ensure the DPOA was completed with consideration of the elder or dependent adult's capacity to make the decision.

**RECENT
LEGISLATION**

Recent legislation has been created to take steps to protect elder and dependent adults from financial abuse. In January 2003, a *Report on States' Adult Protective Services Responses to Financial Exploitation of Vulnerable Adults* completed by the National Association of Adult Protective Services Administrators for the National Center on Elder Abuse indicated the need to engage all professional financial service providers in the process of identifying and reducing financial exploitation.

The report is of particular interest on the need for financial institution employees to be mandated reporters of financial abuse. Introducing SB1018, Financial Elder Abuse Reporting Act addressed this reporting need. SB 1018 was signed on August 29, 2005 by the Governor and was chaptered by the Secretary of State as Chapter 140, Statutes of 2005. (See Appendix C).

In signing this landmark bill, Governor Schwarzenegger stated in a press release on August 28, 2005:

"I am committed to ensuring the safety and security of California's growing population of seniors. Our older Californians have worked hard all their lives and should enjoy the fruits of their labor. This legislation will both help protect our elderly citizens by keeping them out of the grasp of unscrupulous people, while also protecting our financial institutions from frivolous lawsuits. I applaud the collaborative effort of the financial institution industry, law enforcement, senior groups, county welfare directors and legislators in crafting a workable and results-driven law to provide greater protection for California's seniors."

CHAPTER FOUR

EFFORTS THROUGHOUT CALIFORNIA TO COMBAT FINANCIAL ABUSE

INTRODUCTION

Much can be gained from examining the unique approaches to addressing the rising prevalence of elder and dependent adult abuse in California and nationwide. The challenges we face in protecting some of our most vulnerable citizens from economic loss are formidable. Leaders in the field are recognizing the significance of the interdependence of policy and practice, as well as awareness and action. This interdependence plays a critical role in establishing a comprehensive prevention and intervention system.

In 2005 California Welfare Directors Association (CWDA) sponsored Senate Bill (SB) 1018, the Elder Financial Abuse Reporting Act. Effective January 2007, SB 1018 requires employees of financial institutions to make a report to local law enforcement or an adult protective services agency if they know or reasonably suspect financial abuse is occurring. This would trigger a response by local agencies to investigate and intervene to help prevent loss.

This chapter summarizes the current efforts of eleven counties to combat elder and dependent adult financial abuse. These efforts illustrate the variety of approaches local agencies have taken to accomplish this goal. Resource allocation plays a critical role in the development of new and innovative approaches. All counties stress the importance of education and collaboration. In addition, preventative measures and procedures increase local agencies ability to protect vulnerable individuals. Financial abuse specialist teams (FAST) are fundamental component of counties procedural innovation.

FAST teams are a unique approach because they are comprised of public and private entities. Local business leaders team up with governmental personnel offering a full spectrum of expertise and assistance. The increasing prevalence of financial abuse has caused counties to realize that a multi-disciplinary approach is the ideal way to address financial exploitation.

The development of specialized elder and dependent adult financial crimes units is also proving to be a successful approach, within APS and law enforcement agencies. Experts within these units provide an effective and consistent response, as well as, ongoing training. Another effective intervention tool used by many counties is Rapid Response Teams (RRT). These collaborative teams of highly trained personnel are able to intervene immediately and preserve assets and prevent further loss.

**ALAMEDA
COUNTY**

The Alameda County Fiduciary Abuse Specialist Team has been meeting monthly since August 2004. Meetings follow a published agenda that includes inter-agency case presentations and a training component. Training from subject-matter experts includes neuropsychiatric evaluation for determination of capacity, understanding and negotiating HIPAA regulations, the role of first responders, probate conservatorship and banking policies and procedures.

Designed in collaboration with the Alameda County District Attorney's Elder Abuse Unit, the FAST has a core membership of Adult Protective Services supervisors and staff, Public Guardian-Conservator supervisors and staff, Alameda County Counsel Deputies, and Alameda County Deputy District Attorneys. Broader membership includes 11 staff from the Alameda County District Attorney's Elder Abuse Unit, three attorneys from the Alameda County Office of County Counsel, police officers representing nine municipal jurisdictions, the Alameda County Sheriff's Department, Department of Motor Vehicles Investigations section, Bank of America Fraud Investigation, Alameda County Superior Court (Elder Justice Court), the Social Security Administration, the local Ombudsman, and the State of California Department of Justice.

Recognizing the need for a coordinated and collaborative response to financial elder/dependent adult abuse, core members are working through the FAST to define roles and establish a more productive and responsive working relationship with law enforcement and to develop a network of financial specialists available for consultation in financial abuse cases. The FAST's central goal is to develop protocols for cooperative investigation and successful prosecution of elder/dependent adult financial abuse.

**MADERA
COUNTY**

Madera County has been the recipient of an Elder Abuse Prevention Grant through the Fresno-Madera Area Agency on Aging since July 2002. The grant amounts have been between \$4,000 and \$5,000 annually.

The grant activities include 18 one-hour sessions at senior centers, senior housing projects and community centers throughout Madera County and outlying areas. Over the past three fiscal years, 878 seniors have participated in the community presentations. The sessions are presented by Adult Services staff and focus on identity theft prevention, financial abuse prevention, available community resources and an overview of the services provided through Adult Protective Services. Funds have been used to purchase and provide participants with items such as paper shredders, answering machines, files of life, pens/pencils, event bags, jar openers, magnets and rulers that display the APS Hotline and Department of Justice campaign – “Face It. It’s a Crime”.

**ORANGE
COUNTY**

Orange County (OC) FAST meets the second Tuesday of each month at APS and is chaired by Kim Hubbard, Esq. from the Council on Aging. FAST is the most popular meeting with APS social workers because it is a continuous opportunity for learning. Each meeting starts with an educational presentation by a professional from the community that works in the field. After the educational component of the meeting, social workers and ombudsmen are asked to present summaries of complex financial abuse cases for discussion. These case summaries cause a lively discussion resulting in suggestions on how to proceed with the case and offers of assistance.

OC FAST meetings present a unique opportunity for social workers and ombudsmen to meet and consult with a number of professionals including representatives from local police agencies, bank managers, Deputy District Attorneys, fraud investigators, County Counsel, real estate brokers, Deputy Public Guardian, Public Law Center, University of California at Irvine (UCI) geriatricians, Regional Center, Older Adult Services, Social Security Administration and Legal Aid. Should it be determined that the social worker’s assessment warrants further investigation the case may be referred to the Vulnerable Adults Specialist Team (VAST) or the OC Forensic Center.

**RIVERSIDE
COUNTY
C.A.R.E.
PROGRAM**

The mission of the C.A.R.E. Program (Curtailing Abuse Related to the Elderly) is to educate the public, and improve coordination and cooperation among human service providers and public safety organizations to combat elder and dependent adult abuse. The C.A.R.E. Program, a division of Adult Services, does this in three ways:

- 1) Coordinates three highly successful regional elder abuse multi-disciplinary teams (41 member agencies) to share best practices on challenging cases and promote increased awareness and prosecution of abuses. The Teams have recovered/saved over \$36 million.
- 2) Provides elder abuse recognition and reporting to the public, law enforcement, financial institutions, clergy and other mandated reporters.
- 3) Provides consumer fraud education and hands-on advocacy for seniors who have been victims of fraudulent practices by businesses.

Innovations:

- 1) CARE is the only specialized fraud and education unit in APS in the State.
- 2) Three regional elder abuse teams meet monthly to handle ALL types of cases, including financial and self-neglect (not just a FAST Team).
- 3) CARE Program staff are resident full time (at no charge) in Sheriff's stations across the county to work directly with investigators and act as liaisons for APS.

Awards:

May, 2003: Winner of the national "Elder Abuse Prevention Award" presented by the National Committee to Preserve Social Security and MediCare in Washington D.C.

July 2004: Semi-finalist (top 15 from over 1,000 applicants) for the prestigious 2004 "Innovations in American Government" national award/grant from the Kennedy School at Harvard.

**SACRAMENTO
COUNTY**

The Sacramento County FAST Team, known as “SacFAST” debuted in 2000 and has been aggressively addressing elder and dependent financial abuse issues since. There are currently forty-eight members of SacFAST, approximately half in private industry. Private members include those from financial institutions, elder law attorneys, private fiduciaries, conservators, real estate agents, insurance agents, private investigators, private contractors and a retired IRS agent. Members representing public agencies include Adult Protective Services, law enforcement, the Public Guardian/Conservator, the District Attorney’s Office, and state agencies such as Department of Justice, Department of Insurance, Department of Corporations, and Department of Real Estate.

SacFAST meets once a month to discuss financial abuse cases brought by its members. The goal of SacFAST is to investigate, educate and assist in the recovery of funds illegally taken from the elders and dependent adults in Sacramento County. SacFAST has five subcommittees that operate under the guidance of the Executive Committee, which meets monthly. The five subcommittees of SacFAST include: Grant Writing; Financial Institution Project; Education and Marketing; Legislation and Public Liaison and the District Attorney/Law Enforcement subcommittee.

The SacFAST has conducted symposiums to educate the public and professionals on the rising crime of elder financial abuse and has an active speakers bureau that offers training upon request. SacFAST members expend approximately five hours per month on designated meetings and countless more hours in case investigation and consultation and education efforts. The SacFAST also benefits from private meeting space offered by a leading private law firm in Sacramento County, which also donates supplies for meetings. It is estimated that in total SacFAST members donate approximately 200 hours of their time per month, approximately \$1 million per year in billable hours.

In addition, Sacramento County Adult Protective Services has a dedicated financial abuse investigation team (FAIT). Social workers assigned to the team receive specialized training in financial abuse and provide rapid response to identified situations needing immediate action.

Training

The number of confirmed and inconclusive reports of elder and dependent adult financial abuse that were made to San Diego County's Adult Protective Services (APS) have increased by 105% since September 1999. In an effort to train APS staff and other professionals involved in the investigation of elder abuse and the protection of assets to more effectively investigate these increasingly complex cases, San Diego County APS has implemented a training series entitled Money Matters. Since January 2005, APS staff and other professionals in San Diego County have received training on Trusts and Wills, money management programs, real estate transactions, Probate Conservatorship and other Probate matters, investments, financial institutions (fraud, accounts, protection of assets), notaries, healthcare benefits and other benefits. All trainings were conducted by subject-matter experts and were very well attended. San Diego County APS believes that training is key to the protection of elders and dependent adults and their assets.

Regional Elder Abuse Councils

San Diego County's communities are challenged by the complexity of issues associated with the problem of elder and dependent adult abuse and, at times, frustrated by what are perceived as less than adequate systems to address the need. While the County has done a good job of educating the public about how and when to report abuse, community prevention activities were sparse and communication between individuals, departments and agencies was problematic. In 2004, the problem of elder and dependent adult abuse and neglect was recognized by many local community leaders and providers throughout the county, who expressed interest in finding ways to enhance prevention activities and to correct the systems' issues that were responsible for failed interventions and prosecutions. With that, it was decided to establish an Elder Abuse Council in the East County Region to discuss the issues. In the summer of 2005, two additional Elder Abuse Councils were established in the County, one in North San Diego County and the other in South San Diego County, to educate community partners about elder abuse systems and initiatives and to work together to find new ways to address the challenges associated with elder and dependent adult abuse and neglect in San Diego County.

FAST

The San Diego County Fiduciary Abuse Specialist Team (FAST) was founded in November 1994 with a mission of increasing the effectiveness of elder financial abuse reporting and prosecution and to increase awareness through education and advocacy. The Team is comprised of private sector professionals and governmental agencies that assist the elderly and disabled populations. As one of the oldest established teams in the state, The San Diego County FAST has hosted and sponsored two conferences on elder abuse, published and distributed elder abuse material for the public, and provided ongoing training opportunities through guest speakers at regularly scheduled meetings. A future goal for San Diego County FAST is to focus on lottery and sweepstake scams that target elders. The Team hopes to sponsor a statewide conference in San Diego on lottery and sweepstake scams in the near future.

Probate Conservatorship Clinic

In San Diego County, the Probate Court, the Legal Aid Society of San Diego, Inc. and the County of San Diego Public Guardian joined forces to establish an innovative Conservatorship Clinic to assist incapacitated individuals who have no one to care for and protect them from both physical and financial abuse. Each Tuesday afternoon from 2:00 p.m. to 4:30 p.m., the clinic assists elders and dependent adults and their families with conservatorship actions and alternatives to conservatorships, such as Financial Powers of Attorney, Advance Healthcare Directives and obtaining an SSI payee (“alternatives to conservatorships.”) The clinic provides a safety net for vulnerable elders and dependent adults who have been financially abused or who are at significant risk for financial abuse as a result of incapacity, by assisting proposed conservators complete probate conservatorship petitions and by providing information about the court process. The Probate Conservatorship Clinic has been acting in the forefront in San Diego County to reduce the incidence of financial elder abuse.

SAN FRANCISCO COUNTY

San Francisco has a FAST comprised of representatives from APS, Public Guardian, City Attorney’s Office, District Attorney’s Office and the SFPD Fraud Unit. This unit is a hybrid of the two FAST models operating in California. Consultation is provided to the person presenting a case to the group and all members of the group are expected to accept joint responsibility and provide services for those cases taken on. While the FAST does not have the capacity to respond within two hours on emergency cases, it can be mobilized quickly for a speedy response when necessary to protect a victim. Our FAST is co-chaired by APS and the City Attorney’s Office. In addition to providing consultation and direct services, our FAST tries to identify trends in financial exploitation and works toward getting legislation to address those issues. For instance, our FAST is very active in addressing predatory lending and is working for oversight regulations on home care agencies.

Besides our FAST, we also work closely with financial institutions. For the past six years we have been training them about financial abuse. Additionally, we have partnered with them on campaigns to stop predatory lending, and we are working toward establishing a legal clinic to assist those who have predatory loans. Because victims of financial exploitation often do not appear to have any cognitive impairment, we work closely with psychologists to evaluate victims’ executive functioning since impairments in this area make individuals very susceptible to undue influence.

Our focus in San Francisco is on stopping the abuse and recouping lost assets.

**SANTA
BARBARA
COUNTY**

We have a successful monthly FAST team meeting, which provides support to our local professionals in resolving complex financial abuse cases. In addition, we have the Elder and Dependent Adult Abuse Prevention Council Educational Committee that for the past few years has sponsored a training conference to educate the community on the issues of elder/dependent adult abuse. The conference has always had a significant financial abuse component. The Council has also published a pamphlet on “Annuities and the Elders” which was distributed countywide.

To increase community awareness of the problem of financial elder abuse, APS staff conducts presentations to local agencies along with a non-profit organization called “Gate Keeper Program”.

**SANTA CLARA
COUNTY**

The mission of the Santa Clara County Financial Abuse Specialist Team (FAST) is to prevent the financial destitution of elders and dependent adults through immediate and/or timely joint response to reports of financial abuse. Further, FAST will recover assets, and seek civil and criminal penalties including restitution from the perpetrators of financial abuse in order to facilitate the well being of our clients.

The Santa Clara County (SCC) Financial Abuse Specialist Team (FAST) was created in May 1999 as a unique multi-disciplinary, rapid- response model to combat and prevent financial abuse of elders and dependent adults. SCC FAST consists of four partners: Adult Protective Services, County Counsel, Public Administrator/Guardian/Conservator, and the District Attorney’s office.

FAST rapid-response was created during the time of the Silicon Valley high tech boom where homes were literally selling within minutes, with multiple offers of \$50K - \$100K over the asking price. Elders owned many of the homes in the valley and this was generally the elder’s single largest asset. The demand for housing created a situation where predators abounded and elders were the prey. This situation created the need for a rapid-response team, which could intervene immediately to prevent, provide early intervention and preserve assets.

SCC receives approximately 2400 reports of elder and dependent adult abuse each year. Approximately 1/3 of all reports are financial abuse. The most complex cases are referred to FAST. The case criteria are as follows:

- Significant assets at risk e.g. real estate, investment accounts,
- Multiple pieces of real estate,
- Substantial loss of assets,
- Looming predator (imminent loss),
- Physical safety of the victim is at-risk. E.g. history of abuse, mental suffering,
- The victim is unable to fend off the suspect(s) or appears to be unable to ward off undue influence,
- Dependence on suspect,
- Cognitive impairment,
- Complete loss of assets regardless of amount resulting in financial destitution of the victim,
- The victim's life is currently in danger,
- A real estate transaction is about to occur or possible foreclosure is pending,
- The elder/dependent adult is about to be removed from their home or forced to leave the area,
- Legal documents were recently drafted (trust, POA for finances, quit claim) and the suspected abuser (s/a) intends to take the assets immediately (s/a is at the bank), Imminent loss will occur because there is an individual or group of individuals who appear to have the intent to immediately defraud the elder/dependent adult, who have expressed a marked interest in the elder's assets, or who otherwise expressed a disregard for the well-being of the client.

FAST moves quickly and carefully, petitioning for conservatorship and freezing assets when appropriate. Since May 1999, SCC FAST has prevented the loss of and/or recovered \$117.6 million (June 2005) in assets.

**SANTA CRUZ
COUNTY**

Santa Cruz County established an Adult Protective Services Multi-Disciplinary Team (MDT) in the late 1980's. Members include over 30 community agencies that serve elder and dependent/disabled adults. This monthly meeting serves as an opportunity to brainstorm best practice for intervention, referral and on-going case management services. In addition it serves as a referral source for the county FAST team. The FAST team, established in 2001, continues to refine its roles, responsibilities and investigative procedures in 2005. Currently the Team meets monthly at the DA's office with the District Attorney personally representing his office.

The successful collaboration has resulted in a multi-disciplinary response system that quickly and effectively responds to financial abuse and/or neglect of elder and dependent adults. Also, the FAST works to provide education and training to service providers, members of the financial community and the general public. APS, in conjunction with law enforcement and the DA's Office, continues to successfully collaborate on these cases, resulting in the protection of over \$2.2 million in assets during FY 04/05.

In the last year APS and other members of the Financial Abuse Specialist Team (FAST) developed and began a training component specifically tailored for bank personnel to recognize financial abuse. Although bank staff will not be mandated to report abuse until 2007, the goal of the Team is to have bank personnel prepared to meet the mandate. In addition, APS staff regularly provides trainings to colleagues both in and outside the County structure.

Mental Health, Environmental Health, Planning, the District Attorney, Public Guardian and law enforcement jurisdictions. The goal of the task force is to identify strategies for collaborative interventions when a person is at risk due to health and/or safety issues in the home (e.g. fire hazards, piled up unsanitary debris, etc.)

Finally APS is a member of an additional MDT dedicated to finding a way to address the unmet needs of underrepresented elderly, many of whom reside in SNF/RCFE. Concerns for this group include exploring and developing resources to act as responsible parties, (e.g. conservators, guardians, ethics committees, ID teams, etc.) The original goal was to provide access to hospice services for end of life issues and has grown to include evaluating other medical care needs. Including situations when a probate conservatorship is needed.

**VENTURA
COUNTY**

Ventura County is extremely fortunate to be in its third year with the Ventura County Financial Abuse Specialist Team (FAST) with Joan Virginia Allen, Esq. as the coordinator. The Ventura County FAST is a partnership of over 40 consultants. The consultants are private and public professionals who volunteer their time to assist each other facilitate comprehensive services to elder and dependent adult victims of financial abuse. In addition to financial experts, the consultants come from all levels of government programs and services. FAST has become a countywide network of these professionals to assist APS.

Each month FAST provides the consultants with an educational component relevant to financial issues and elders and dependent adults. At these meetings we also discuss current cases and receive instant expert consultation. Each profession and discipline can see a relevant issue and possible corrective action. FAST also provides free community education on elder and dependent adult financial abuse.

Last year, FAST with the District Attorney, held a one-day training for law enforcement titled “Elder and Dependent Adult Abuse 101: Physical and Financial”. Within 19 days, Ventura County had an elderly woman found dead in her home. Local law enforcement collected immediately all the evidence the Deputy District Attorney needed to take the case to court. The Deputy District Attorney was impressed with their excellent work. Local law enforcement documented the condition of every room in the home, what was or wasn’t in the refrigerator, the prescriptions, medical records, and bank records of the deceased. Their answer: they attended the one-day training sponsored by FAST and the District Attorney.

CHAPTER FIVE
NEXT STEPS IN COMBATING FINANCIAL ABUSE

INTRODUCTION

Of all the types of abuse perpetrated against elder and dependent adults, financial abuse is unquestionably the most difficult to uncover. There are no telltale signs such as a fresh bruise or a broken bone. The more subtle indicators of psychological abuse – such as withdrawal, denial and increased irritability – are not even readily apparent in financial abuse cases. The simple fact is that unlike with other forms of abuse, in a vast majority of cases, victims of financial abuse are not even aware that they have been exploited until their hard-earned savings have been largely, if not entirely, depleted. Even when an investigation bears enough evidence to lead to legal action, a successful prosecution can be elusive because the alleged perpetrator is so often a family member and/or “caregiver.” When the alleged perpetrator is a scam artist, he/she may be long gone, making plans to target victims in another state entirely.

It is not an exaggeration to state that the job of an Adult Protective Services worker can be frustrating and depressing, with a high rate of burn-out among its ranks. It is not only the repeated witnessing of this type of abuse among elder and dependent adults itself that leads to such feelings. After all, those who choose social work as a profession already understand the nature of what they will encounter on a daily basis. It is their role and responsibility to do everything within their powers to improve the living conditions of those who have been targeted for abuse. However, it is the inherent limitations of those powers that can ultimately yield less-than-ideal results in giving these individuals their lives back. The issues of undue influence, self-determination, capacity and competence are particularly thorny when an APS Worker must decide whether to persist or walk away. When practical and legal considerations overwhelmingly suggest that there is no other real option left but to walk away, the feeling the worker is left with can best be described in one word: helplessness.

How can we as citizens expand our efforts to prevent financial abuse against elder and dependent adults? The answer comes with the breaking down of the existing barriers that have limited the efforts made so far. Those barriers fall into the following categories: legislation, funding, and public awareness, and they will now be examined in greater detail.

LEGISLATION

The signing of Senate Bill 2199 into law in 1998 was a windfall in the area of elder and dependent adult abuse prevention. It was a truly symbolic victory in that it clearly delineated the provisions of abuse, prosecution and punishment specific to segments of the population who previously had not been appropriately represented.

One such provision significantly increased the numbers of those who are required by law to report known or suspected abuse (including financial abuse) against elder and dependent adults. These individuals are known as *mandated reporters*, and the California Welfare and Institutions Code requires all mandated reporters to file a report whenever, in his/her professional capacity or within the scope of his/her employment, the following occurs:

- The reporter observes or has knowledge of an incident that reasonably appears to be abuse, or,
- The reporter is told of an incident by the victim, or,
- The reporter reasonably suspects abuse.

Mandated reporters include care custodians (employees of facilities providing care/services for elder and dependent adults, such as clinics, home health agencies, independent living centers, camps, and adult day care centers); health practitioners (such as physicians, dentists, psychologists, and nurses); clergy members; employees of county adult protective services agencies; and local law enforcement agencies. Penalties for failing to report include fines in the thousands of dollars and/or jail time.

An ongoing effort undertaken by advocates on behalf of elder and dependent adults is to expand the official list of mandated reporters. After several years of failed attempts, these advocates scored a major victory last year when, as the previous Chapter Three stated, Governor Schwarzenegger signed into law Senate Bill 1018. This law requires employees of all financial institutions in California to be mandated reporters of financial abuse. The law will go into effect on January 1, 2007, to allow time for the representatives of every bank, credit union, and savings and loan in the state to be properly trained on the signs of abuse, how to report it, and the penalties for failing to report it.

The mandated reporter expansion effort is far from over, as there are many more professions that are not covered by the legal requirement. One such profession, which is certain to be considered very carefully in the future, takes the financial aspect one step further. Certified Public Accountants (CPAs) and other financial advisors are still exempt, and where financial abuse is concerned, it would be difficult to think of a more appropriate addition to the list of mandated reporters. Furthermore, consideration might be given to including individuals who see potential victims on a regular basis, such as mail carriers and public bus drivers. Employees of attractions such as museums, movie theatres, and libraries could also be considered in the future.

Another legislative proposal concerns the reporting incidence of elder and dependent adult abuse to the Department of Justice (DOJ). The current system of recording the incidence of abuse is considered inadequate; it is misleading and does not paint an accurate or complete picture of how widespread the problem is. The reason for this is that the reporting of Violent Crimes Committed Against Senior Citizens (VCSC) is not mandated by legislation, and it is therefore optional for agencies to report the data. As a result, while many agencies volunteer this information, others do not. The VCSC offenses include homicide, forcible rape, robbery, and aggravated assault.

A proposal has been developed which establishes the assignment of an “umbrella code” to every incident of elder and dependent adult abuse. This code would provide accurate statistics to reflect the actual number of reports of crimes against this vulnerable population. It would further serve as an improved gauge for services including for law and protective services.

The passage of an umbrella code bill would require law enforcement agencies to develop, adopt and implement a system for recording all reports of incidents of abuse against elders and dependent adults. The DOJ would develop a reporting form to distribute to law enforcement agencies. These agencies would provide training to their officers and data collection personnel for coding incidents as they are reported, including cross reports from mandated agencies.

Although it would appear that this proposal only affects VCSC crimes, the benefits extend to other offenses including financial abuse, because:

- Under the existing system, often only the most serious offense is reported in cases in which multiple offenses occurred during the same incident. The new system would require reporting of all offenses, including all types of abuse.
- More accurate (i.e., eye-opening) data reflecting violent crimes against elders and dependent adults will draw more attention to the abuse issue in general, including financial abuse.

Other bills have been proposed, such as Senate Bill 308, which would require an additional \$2 fee to be paid by any individual making a real estate transaction. This fee would be deposited into the Real Estate Fraud Prosecution Trust Fund, which is instrumental in the crucial fight against real estate fraud. As stated earlier, elders and dependent adults are particularly vulnerable to this type of financial abuse. There have also been ongoing efforts to increase the penalties for financial abuse perpetrators.

**FUNDING AND
PUBLIC
AWARENESS**

In addition to current and future legislative efforts, individual counties bear the responsibility to allocate their annual budgets in the most practical and beneficial ways to assist the elders and dependent adults in their respective communities. Adult Protective Services programs must contend with the monetary issues involved in staffing, salaries, caseloads, equipment and supplies, contracting out with other agencies, and public education/outreach efforts. Finding the right balance is never an easy task, especially since it is unknown how much funding the federal and state governments will allocate towards APS programs each year.

While counties continue to petition these levels of government for the same, if not more, funding on an annual basis, additional emphasis is being placed on obtaining grants with help from non-profit agencies such as the Archstone Foundation. This is a trend, which most likely will continue for as long as economic stability remains unpredictable.

Finally, as it has been with so many other issues that have the potential to affect everyone, public awareness efforts must continue to be a very high priority. In recent years, cases involving internet scams and identity theft have increasingly made the national news. Generally, individuals have become more familiar with the appropriate measures to protect themselves from financial predators. Law enforcement agencies are becoming more vigilant in tracking these predators down (as well as attorneys in prosecuting them). However, elders and dependent adults

remain the most vulnerable population to financial abuse, because there is a great deal more trust and often no effective support system to protect them from harm. ***For this reason, the public education efforts must extend beyond how we can protect ourselves, to how we can look out for others who are not as capable or aware.***

Public forums such as conferences, health and senior fairs, and conventions serve to provide the educational tools to make this possible. In addition, the use of the media will continue to be effective, in areas such as television, radio, newspapers and magazines, the internet, billboards, and even unconventional forms like movie theatre slides before the film begins.

The combination of broader legislation (specifically addressing elder and dependent adult financial abuse) and increased funding and public education efforts, will help to carry out the spirit and promise of Senate Bill 2199. The success of these efforts will give renewed hope to the victims of financial abuse and allow them to live a more fulfilled life. It will also be the key to preventing these offenses against future generations of elders and dependent adults.

CHAPTER SIX
THE MANY FACES OF FINANCIAL ABUSE: VIGNETTES

Nearly all of the 58 counties in California were able to provide a vignette of the contributor's "favorite financial abuse case" from 2004. If a county is not represented, they did not have a case.

ALAMEDA COUNTY Referral Information

A mandated reporter referred this elder for possible financial abuse.

Client Information

In a nice neighborhood, a 78-year-old man lived alone with no known relatives. The client was self-caring and capable of living independently. His home was in need of repairs. His car, a beat-up sedan, was parked in the driveway of his home because it was broken down. His income came from managing his large stock portfolio.

APS Findings

An APS Worker conducted an unannounced home visit with a detective from the police department. The investigation determined that the elder had befriended two young women in their early 20s. The client had bought one woman a new Cadillac Escalade, paid for dental work, cell phone bills exceeding \$800 and breast enhancements. For the other woman, the client paid for a Toyota SUV, a Chevrolet truck and various cell phones. The client's expenditures for the women was totaling close to \$4,000 a month. The actual whereabouts of the cars was not known.

Interventions

The APS worker coordinated a capacity determination at the client's home. The doctor found the client to be incapable of managing his assets due to lack of capacity. The District Attorney was then provided the police and APS reports on this case. The case went to court and charges are pending against these young abusers.

APS Follow-up

During the course of the investigation, the client's estranged siblings were re-connected with the client, and after considering either a trust or conservatorship, a private conservator of the estate was appointed for the client. The family also contacted an attorney for follow up on asset protection. The client continues to live independently.

AMADOR COUNTY Referral Information

A non-mandated reporter contacted APS. The allegation was that a niece of a deceased, live-in caregiver and companion of the client was decimating her estate, isolating her and planning to place her in a nursing home. The friend became alarmed when the niece moved in and began moving things out of the house, and giving things away. When the client's friend came for a visit, the niece was unfriendly and would not allow them in the house.

The niece claimed she was family to the client and had promised to take care of her if anything happened to the live-in caretaker.

Client Information

The client is a 91-year-old female with dementia and blindness. She was widowed over 20 years ago and has no known living relatives. She lived in a nice neighborhood in a well maintained home with her caretaker and companion for over 20 years. The caretaker had power of attorney because of client's blindness. Client had dementia.

APS Findings

APS interviewed the reporting party and several others involved with the client. APS found that prior to dying the caretaker made arrangements to place the client in an assisted living facility. The caretaker also had an attorney prepare individual wills. APS confirmed those arrangements and obtained copies of the wills and the power of attorney.

Interventions

APS cross-reported to law enforcement and provided copies of the documents. APS and law enforcement interviewed the client and the caretaker's niece. The niece told law enforcement found the client's doctor recommended placement in a convalescent home due to her medical condition and inability to care for herself. The home was to be sold to help pay for her care. After investigation law enforcement concluded that the client was not being taken advantage of and there was no criminal activity. Law enforcement suspended the case and the APS case was closed.

APS Follow-up

A month later, the client was placed in an assisted living facility is doing well and has adjusted to her new surroundings.

BUTTE COUNTY

Referral Information

A non-mandated reporter made a report alleging neglect, physical abuse, and financial abuse by the trustee. The report alleged that the trustee removed the client from a skilled nursing facility (SNF) and returned her to her home. The trustee refused to hire help or to assist the client with bathing and incontinence care. The reporting party stated the client wanted to be placed back in the SNF and the trustee only brought her home to gain access to her assets.

Client Information

The client is a 79-year-old frail female, wheelchair bound with arthritis and in the early stage of dementia. She has approximately \$600,000 in assets. Her spouse had been the primary caregiver but died unexpectedly.

APS Findings

All allegations were unfounded. A trust designated the trustee to provide care for the client in her home and to manage the finances. The trust contained a clause, which declared if the client was placed in long-term care, the trust would dissolve and the beneficiaries could obtain their inheritance prior to the client's death. The allegations

were an attempt to have the trustee removed in order to place the client and dissolve the trust.

Interventions

APS worked in conjunction with the probate courts. The courts appointed trustee as conservator of the person and a private conservator as conservator of the estate at the trustee's request. Client's assets are protected and she continues to receive care in her home.

APS Follow-up

The woman remains in her home with appropriate care.

CALAVERAS COUNTY

Referral Information

A mandated reporter contacted APS regarding four elderly people who had been living in an unlicensed facility that was in the process of being closed down in another county. The alleged perpetrators had removed the four elders from the area. They had been traced to Calaveras County where the alleged perpetrators purchased property. The concern was financial abuse, isolation, abduction, and neglect.

Client Information

The four victims were three females ages 100, 89, and 88, and a male age 79.

APS Findings

The three females were found to be living in substandard conditions in an unlicensed long-term care facility. They reportedly moved into the new facility earlier in the year and the 79-year-old gentleman had died at that residence earlier in the year. Law enforcement had initially reported the death as suspicious and turned it over a detective whose opinion was that the death was not suspicious and closed the case. During the time the client's lived with the perpetrators, they had arranged for two of the females' and the male's property to be quit claimed over to them. They also had access to numerous bank accounts, stocks, bonds, and assets belonging to the clients. One of the client's reportedly had an estate worth in excess of \$1 million. The estate had dwindled to \$27,000 at the time of APS involvement.

Interventions

APS located relatives for the 88-year-old client, and she was immediately picked up. The second client, age 100, was placed in a local licensed Board and Care facility but has since moved out of the area to be closer to relatives. The third client, age 89, continues to reside in a long-term care facility. Initially, the remaining assets of the third victim were used for her care, but now Medi-Cal must pay for her care. The alleged perpetrators were arrested; however, they immediately posted bail and continue to reside in the community. The closed death case (male victim age 79) was reviewed by the APS Death Review Team and the investigation was re-opened per the findings of the Coroner. However, to date no charges have been filed against the

alleged perpetrators regarding this situation.

APS Follow-up

This case continues to be investigated by local law enforcement and the Attorney General's Office. Recent information received on the pending case from the District Attorney's Office indicates the alleged perpetrators will be prosecuted soon. The total amount of money and property taken by the perpetrators from the four victims remains undetermined.

COLUSA COUNTY

Referral Information

A non-mandated reporter called that the client had written duplicate checks for rent for two consecutive months. The client was making daily trips into the bank regarding the duplicate checks. The client indicated that the landlord said she had forgotten to pay her rent, so she wrote the landlord another check without realizing she had already paid.

Client Information

The client is a 79-year-old female living alone with no local relatives. She has friends and relatives within a 20-mile radius. She does not receive assistance from her family. The client was still driving and attempting to remain independent but was cognitively impaired. The client was behind in rent and utility bills and was living in substandard housing.

APS Findings

APS investigated and determined the landlord had received duplicate rent checks from the client while providing substandard living conditions. Despite this, the landlord evicted the client thus making her homeless. Because she was cognitively impaired, she could no longer provide for herself or meet her own needs. The client had no viable support system and she could no longer live alone.

Interventions

APS cross-reported the information concerning the financial abuse by the landlord to law enforcement. Probate Court determined the client was in need of conservatorship. The Public Guardian was appointed as her conservator. The Public Guardian was able to place the client in a long-term care facility.

APS Follow-up

With the Public Guardian as conservator, the client lives in a safe environment and can no longer be taken advantage of by others. APS closed the case.

**CONTRA COSTA
COUNTY**

Referral Information

A mandated reporter made the initial report to APS stating the client had given power of attorney to a neighbor. The neighbor sold the client's home and used the money to buy two houses and paid cash for a new car. Law enforcement requested APS to begin conservatorship proceedings. Later, law enforcement dropped their investigation telling APS to stop harassing the neighbor due to her pregnancy and

concerns she might miscarry. Several months later, a second report from a concerned friend was made to APS. The report indicated the client was in the hospital and in poor condition. A third report alleging financial abuse was received.

Client Information

The victim is an 81-year-old female who has lived in her house for 40 years. She is widowed and her only family members are siblings. She suffers from dementia, a bleeding ulcer, and a thyroid condition.

APS Findings

The neighbor provided the client care in exchange for the client's home. The neighbor bought the client's home below market value and the client did not receive money from the sale. In addition to paying the neighbor for caretaker services, the client pays rent to live in her own home. The caretaker and 6 of her family members moved in with the client, confining the client to one room of the house. After law enforcement dropped their investigation, APS closed the case. APS closed the case again after the second report as the victim was being cared for in the hospital.

Interventions

A diagnosis of dementia was provided by a mental health professional. After the initial report, APS contacted the client's sibling in a request for family involvement. By the time of the third report, a family member was involved and had moved into the client's home. The caretaker and her family moved back to their house, which was next door to the client.

The family member hired an attorney to obtain a temporary conservatorship for the client and undo the sale of the house.

APS Follow-up

It is unknown whether the Probate Court will eventually grant long-term conservatorship. The family member is not limiting contact between the caretaker/neighbor and the client. APS and the probate court investigator continue to work with the family member.

DEL NORTE COUNTY

Referral Information

A mandated reporter possible financial abuse. After the client was admitted to the convalescent hospital, the client's caretakers brought paperwork for his signature. The client thought he was signing Medi-Cal paperwork, but actually signed a quitclaim transferring his property to his former caretakers.

Client Information

The victim is an 83-year-old man living in a convalescent hospital due to dementia. Prior to the alleged perpetrators' involvement, the victim's Social Security and VA benefit payments were deposited directly into his checking account.

APS Findings

The client owned three acres of land including a mobile home valued at \$150,000. A former neighbor who became homeless befriended the client. She had no income or

resources. The client helped her get SSI, which she used to purchase a small trailer. The client allowed the trailer to be placed on his property. She agreed to be his caretaker and the client put the caretaker's name on his property as joint tenant. He understood this would give the property to her when he passed away, and in exchange, she would care for him so he could remain in his home. As the client's dementia progressed, the caretaker's adult son joined them to be an additional caretaker. The second caretaker had taken the client to the Veteran's Hospital where the dementia diagnosis was confirmed. The second caretaker became the representative payee for the client's Social Security. The second caretaker also forged checks and made withdrawals from the client's ATM on a regular basis.

The caretakers knew the victim had dementia and that he did not understand what he was signing. Soon the former caretaker/representative payee refused to pay the client's share of cost for his medical bills. The client continues to believe he still owns his property. In reality, he lost the property and all his resources. The client continues to ask about his property and wants to return to his home.

Interventions

APS investigated the allegations and forwarded information and evidence to the District Attorney. Case was also cross-reported to law enforcement. Public Guardian's services were available but not utilized as the client resided in a safe place. Since all his assets had been taken, the client was no longer at risk of further abuse.

APS Follow-up

The client is still in convalescent care. The District Attorney is currently not moving forward on this case due to understaffing. Without prosecution of this case, it does not appear the client's property will be returned.

**EL DORADO
COUNTY**

Referral Information

A non-mandated reporter contacted APS to report the client's hairdresser was stealing money from her by using the client's ATM card without permission.

Client Information

The client is an 83-year-old female, living independently in an apartment. The client's family resides out of the area. The client's driving is limited.

APS Findings

The client lives alone and does not drive much. With no local support system, the client had come to rely on her hairdresser for help. The client did not remember disclosing her ATM PIN number to the hairdresser. However, hairdresser was suspected of withdrawing without consent money using the client's ATM card at different banks outside the town.

Interventions

APS cross-reported to law enforcement. The deputy assigned to investigate the case obtained the ATM security surveillance tapes from the banks where money from the

client's account had been withdrawn. The suspected abuser was on the tapes using the client's ATM card without the client present. With this evidence, law enforcement arrested the hairdresser. With APS assistance, the client's bank reinstated the stolen funds to her account in the amount of \$10,594. APS referred the client to bill paying services to ensure the client's bills are paid and that unauthorized individuals do not take money from her account. APS also referred client to the Citizen Advocates for Protection of the Elderly (CAPE) program for friendly weekly visits from volunteer workers.

APS Follow-up

The hairdresser pled guilty to a misdemeanor charge. The client continues to receive weekly friendly visits from the CAPE program. CAPE workers keep APS informed about the client circumstances. The bill paying services also remain in place.

FRESNO COUNTY

Referral Information

APS in New Mexico, contacted Fresno County APS. The client became ill while traveling. The client told New Mexico APS that he was coerced into signing over his 40-acre ranch by a couple that befriended him. The client wanted his ranch back.

Client Information

The victim is an 83-year-old male who suffers from frontal temporal dementia, a type of dementia that affects judgment. He came to the attention of APS after being admitted to the Veterans' Hospital.

APS Findings

The couple that befriended the client put their names on the client's bank accounts and ranch property. The couple met the client when they came to take care of his ailing wife. The couple remained to care for the client after his wife died. Gradually, the couple gained access to all the client owned. The couple knew the client suffered from dementia and took advantage of this. When the client was asked why he left California, he "just wanted them to stop harassing him and leave him alone".

Interventions

Fresno County APS arranged for a phone conference that included the following agencies in New Mexico: APS, Social Services in the VA Hospital, and Public Guardian's Office and the following agencies in Fresno County: APS, Public Guardian's Office, and the Sheriff Elder Crimes Unit. A plan was developed to bring the client back to Fresno by the Public Guardian's Office in New Mexico. The financial abuse case was investigated by the Elder Crimes Unit, and the Fresno County's Public Guardian's Office was appointed as the client's conservator. The client is now living in a licensed board and care facility.

APS Follow-up

Over \$100,000 in cash assets was returned to the client. Work continues on recovering the client's property valued at over \$400,000.

Referral Information

The reporting party was the client herself who was concerned that she had a large phone bill.

Client Information

Client is an 80-year-old woman who lives alone in a small home that she shared with her brother until he passed away in 1994. Client is very independent and still drives.

APS findings

Client contacted the Adult Services office to discuss a phone bill of \$250. She stated she had not made any of the calls, did not have any visitors, did not have a computer and had no idea of how this had happened. Upon review of the billing, it reflected numerous '900' phone calls, as well as local numbers that when dialed from connected to a business soliciting business for adult pornography. These phone calls on the bill were all made in the middle of the night. APS worker advised that someone must be using her phone line and possibly running a chord to the outside box at night.

Interventions

The APS worker contacted law enforcement and was informed that no crime had been committed as the phone calls were made from her number. The phone company would have to establish if the phone was tampered with. The APS worker met the client at her home and observed that the outside phone box was off of the wall and appeared to have been tampered with. The phone company was contacted for repair. Phone repairman advised client to put a lock on the outside phone box and to contact customer service to put a block on all 900 numbers. The block was put on the line as well as a block on any long distance charges due to the client's non-use of the phone. Since the phone was still in the client's deceased brother's name, the APS worker made contact with the Veteran's Home to obtain a verification and declaration of death to have the phone line changed into the client's name.

APS Follow-up

Client returned to the office with the following month's bill that still had some of the charges listed on it from the former bill. The APS worker again contacted the phone company, reviewed the case with them, cleared the bill and verified that the client was receiving the least expensive phone plan and service for her needs.

**HUMBOLDT
COUNTY**

Referral Information

A mandated reporter called APS. The clients were an elderly couple who were being taken advantage by their daughter. At the time of the referral, the wife was having severe health problems, which required surgery. She was not expected to live much longer even if the surgery was a success. The husband was quite distraught. The wife was living in a Skilled Nursing Facility (SNF), which had a temporary restraining order the couple's daughter.

Client Information

The clients are an 88-year-old male and his wife, an 87-year-old female who lived in an assisted living complex.

APS Findings

A daughter pressured her father into signing over half of the client's savings (\$47,000). The daughter spent half of the money on a car and gave the remainder to her daughter (the client's granddaughter). When the mother was going into surgery, the daughter was given the mother's wedding rings to keep safe. The wedding rings were not returned.

Interventions

The clients agreed to have other family members handle their finances and APS helped them obtain a Temporary Restraining Order (TRO) against the daughter. The family contacted an attorney. The attorney was able to get the granddaughter return the money she had been given (\$23,500). An APS worker requested for additional orders in the TRO for the Department of Motor Vehicles to put the father's name on the registration of the car purchased by the daughter and for the wedding rings to be returned to the mother. The wedding rings were returned. The car registration was changed to the father's name. Then car was sold back to the car dealer for \$5,000 less than what the daughter paid for it. The family took over care for their parents and the daughter was restrained from seeing them.

APS Follow-up

The APS case was closed.

IMPERIAL COUNTY

Referral Information

A non-mandated reporter contacted APS to report financial abuse of a client's family members. The report indicated the family members withdrew all of the client's money from her bank accounts.

Client Information

The client is an 81-year-old Hispanic female living with her In-Home Supportive Services provider on a temporary basis while the client located permanent housing.

APS Findings

The family members had withdrawn \$12,000.

Interventions

APS coordinated efforts with Senior Legal Services to have \$9,000 returned. The balance, \$3,000, was with a family member who had left the country. Once most of the money was returned, APS assisted the client with her long-term plans. The client purchased an irrevocable burial plan and plot for \$6,000. APS assisted the client with housing options and the balance of her savings was spent on move-in expenses, food and household items for her new apartment. The client also had some legal fees and immigration fees she was able to pay. Client continued with In-Home Supportive Services. APS discussed other resource options such as the Public Administrator becoming her representative payee. The client refused payee services.

APS Follow-up

Client obtained an apartment, had her funds secured in a burial plan, and hired an In-Home Supportive Services provider to meet her needs.

INYO COUNTY**Referral Information**

A non-mandated reporter contacted APS regarding a caregiver cashing an elderly couple's checks.

Client Information

The clients were a 100-year-old man and his 97-year-old wife of 72 years. The wife was semi-bed ridden. The clients were totally dependent on their privately hired caregiver for all their personal needs, domestic services, and transportation.

APS Findings

The clients trusted the caregiver to the extent that they would sign personal checks at her request. Due of their poor eyesight they were not aware of the amount of the checks. The caregiver had taken approximately \$5,000 over three months. The caregiver had started to change the amount of the signed checks and would not record the amount in the check register. She would cash the checks around town in amounts of up to \$500 and did not record them. The clients were unaware of the amount of the checks being cashed and that a whole series of checks were missing from their box of checks.

Interventions

APS immediately cross-reported the incident to law enforcement. The caregiver was well known and she was on probation. The law enforcement went to the clients' home and the caregiver confessed to taking up to \$10,000.

APS Follow-up

The caregiver was arrested and through a plea bargain was sentenced to three months in jail and required to pay restitution. Unfortunately, the wife died, and three months later the husband died before full restitution was paid.

KERN COUNTY

Referral Information

A mandated reporter contacted APS when the client was abandoned at a county medical clinic. The county hospital facilitated a placement at a skilled nursing facility (SNF) after the abandonment incident. The SNF did not pursue a representative payee for the client's SSI and changing the client's Medi-Cal to Long-Term Medi-Cal.

Client Information

The client is a 51-year-old dependent adult woman who is wheelchair-bound due to head trauma suffered at the hands of an abusive boyfriend in several years ago. The client recently moved to Kern County with a family member.

APS Findings

The client's family member was the representative payee for the client's SSI/SSP benefits and was paid to provide care through the In-Home Supportive Services Program (IHSS). During a three-month period that the client was in the SNF, the client's representative payee continued to receive and spend the client's SSI/SSP checks. The representative payee convinced her to return to the apartment they had shared. However, due to the representative payee's negligence, the utility bills had not been paid and had been disconnected. As a result, the client ended up in the local homeless shelter, an inappropriate place to be given her disabilities. Hearing about the lack of utilities in the client's home, the shelter staff gave the representative payee a check of \$600 to pay the bills. The representative payee took the check, but left the client in the homeless shelter.

Interventions

APS provided temporary shelter and 24-hour care at a motel for the client for ten days pending permanent placement. APS also intervened and ensured that the client's representative payee could no longer access the SSI/SSP benefits.

APS Follow-up

Although the money taken from the client is not a substantial amount, these types of cases are quite common, and impact the client's life. The client currently resides in a SNF. The District Attorney is not involved in the case, as law enforcement could not locate the representative payee.

KINGS COUNTY**Referral Information**

APS responded to a report of self-neglect, and discovered during the investigation the client was also being financially abused. A non-mandated reporter contacted law enforcement on two separate occasions. Law enforcement did not respond to the concerns about the unusual bank account activity in the client's account. Unfortunately, neither the non-mandated reporter or law enforcement contacted APS.

Client Information

The client was an 82-year-old woman living alone. She was a recluse, never left her home and had no family or friends to help her. She was a proud woman and had worked as a nurse caring for others. The client had medical problems and signs of depression, but never went to the doctor. Her memory was declining and hygiene was poor. Her home was rundown and had not been cleaned for years.

APS Findings

Several years before, the client found a transient male living in her backyard. When she discovered him, he started doing odd jobs for the client and over time gained her trust. He eventually moved into a room in her detached garage. The client thought of the man as her friend and began to depend on him. She would give him signed blank checks to buy her groceries and pay some bills. He started writing checks for \$2,000 and depositing them in his bank account. The man obtained her checkbook and intercepted her bank statements. In an 18-month period, he stole \$82,000 from the client. He was also able to influence the client to change her Will and leave her entire estate to him, valued at over \$500,000.

Interventions

The case was cross-reported to law enforcement and to the District Attorney. The client's Will was overturned. The perpetrator was removed from her property when he was arrested. Only \$3,000.00 in cash was recovered from the man. The client was deemed to be competent and she voluntarily agreed to Probate Conservatorship to handle her finances and protect her assets.

APS Follow-up

The client passed away and did not see the outcome. After a three-day trial, a jury convicted the man of elder financial abuse Penal Code 368 (e) and Penal Code 487 for grand theft. He was sentenced to seven (7) years in prison and is currently serving his sentence.

LAKE COUNTY

Referral Information

A non-mandated reporter called the District Attorney's office when the client and her caretaker went to get a marriage license. The District Attorney contacted APS.

Client Information

The client was a 98-year-old widow who owned her home. Her husband of over 60 years had passed away a couple of years before.

APS Findings

The client was competent to make decisions. She hired a male In-Home Supportive Services provider and soon married him. The second husband's name appeared on the bank accounts and the house. The husband would be sent to jail for selling and manufacturing drugs, and would have his friends care for his wife. The friends would steal the client's antiques, Social Security check, and pension check.

Interventions

APS conducted many home visits and attempted to stop the financial abuse, but the client stated she loved her second husband and did not wish to divorce or leave him. When the client turned 100 years old her husband was in prison and unable to care for her. The client she was so frail she agreed to go into a skilled nursing facility.

APS Follow-up

The client has now passed away. The second husband now has inherited the home. Law enforcement, elder abuse detectives and the District Attorney's Vertical Prosecution Unit continue to investigate this case.

LASSEN COUNTY**Referral Information**

APS responded to a report from a mandated reporter. The report indicated concerns that this client was a victim of neglect and financial abuse by others, and self neglect in the areas of physical and medical care and health and safety hazards.

Client Information

The client is an 86-year-old female who was brought into the hospital with burns on her legs. The wounds were covered with cat hair and were infected.

APS Findings

The APS investigation uncovered that a friend of the client was trying to keep her at home without seeking proper medical attention for the burns. Three weeks prior, the friend had the client sign over half of her property. The client's living conditions were filthy. She had a lot of cats living with her and was not able to maintain the home. The client also had a stock of pottery supplies with an estimated value of \$20,000. APS also uncovered that the client had a younger man writing out her checks for her. When he first started helping her, the majority of the checks were going to pay bills and for things the client needed. By the time APS became involved, 8 of 10 checks were going directly to him. As it turned out, the younger man is related to the friend who had the client sign over half of her property. The

hospital informed APS that the friend was going to have the client sign a Power of Attorney.

Interventions

In response to this referral, APS advocated with the doctor to refer the client for conservatorship. The doctor agreed. APS informed the client's friend that the Power of Attorney would be invalid. Once the Public Guardian became the client's conservator, the Public Guardian asked County Counsel to contact the friend and request return of the client's property. The friend agreed and quit claim the property back to the client.

APS Follow-up

APS cross-reported this incident to local law enforcement. It is unknown at this time if law enforcement has pursued the matter.

**LOS ANGELES
COUNTY**

Referral Information

A non-mandated reporter contacted APS when the client and a male friend were attempting to change the vesting of the client's accounts. They wanted to delete the client's neighbor of over 30 years from the bank accounts and mutual funds, and add the male friend. The client appeared confused and unsure about what was taking place.

Client Information

The client is a fairly active, widowed, 80-year-old Caucasian female. She is a retired, whose monthly income is approximately \$1,000. She owns her home and lives independently. She is close to her neighbor who is also on the title to the home. After her husband passed away in the 1980s, the client added the neighbor to the title. The client is very close to the neighbor's family. She joins them for dinner nightly and has become part of their family. She has no family of her own.

APS Findings

A home visit revealed that the male friend was living with the client. As a child, his parents lived down the street from the client. His parents had moved from the neighborhood, but he still has friends there. After being released from prison 9 months prior, he returned to see if he could stay with friends. The friends would not let him move in because he is a known sexual predator and kids live in the home. He quickly realized the client's vulnerabilities and moved in. He sold her valuable possessions, took her money, ate her food, used her credit card to charge \$1600 in car rental fees (she doesn't drive), had her sign a quit claim deed relinquishing her half of the property, and was physically abusive. He also tried to get the neighbor to sell him her half of the property, which she refused to do.

Interventions

APS helped obtain a restraining order against the male friend and cross-reported the physical abuse to law enforcement. The male friend was arrested. APS contacted the fraud department of the credit card company and they prosecuted the male friend. The male friend's parole agent was contacted and informed of the situation. The abuser was charged with failure to register as a sexual predator and notify of a change of address. APS arranged for the client doctor appointments and psychiatric evaluations, where the client was diagnosed with dementia. APS worked with the client's attorney, neighbor, and the court system to have the client conserved for her protection, to which she agreed.

APS Follow-up

After the conservatorship was granted, the client moved in with her surrogate family. As part of a plea agreement, the male friend agreed to transfer the property back to the client. He did not get any of her savings or mutual funds due to the bank's cooperation. The client's health quickly deteriorated. As she became more frail, the neighbor eventually rented the client's home to help pay for her healthcare. The client remains in a safe, caring and loving environment.

MADERA COUNTY

Referral Information

APS received a report alleging that a neighbor had moved in with the client and might be taking financial advantage of her. APS also received a report from a non-mandated reporter concerned about the neighbor's involvement in the client's money management – there was unusual account activity.

Client Information

The client was a single 64-year-old woman, living alone.

APS Findings

The client was found to be living in poor conditions. Her house was very dirty and poorly maintained. Her fence and carport were falling down and she did not have a working refrigerator, stove, or phone. The client appeared to be a dependent adult. She had lived with her parents until their deaths about five years ago and was living on the money they had left her. The APS worker found that the neighbor had gained the client's trust and was taking her to the bank, changing the ATM and accounts access. At one point, the neighbor assisted the client in purchasing a new, fully loaded minivan that was parked in the neighbor's driveway and was only driven by the neighbor.

Interventions

APS developed a service plan to assist client to improve the condition of her home and obtain medical treatment. On the day of the minivan's purchase, the bank called APS to inform that the client and the neighbor had come into the bank and obtained a cashier's check for the auto dealership. The bank teller had asked the client why she needed such a large car and the client stated it was for the neighbor. APS made a

referral to the Public Guardian for conservatorship.

APS Follow-up

The client is now under Public Guardian conservatorship. She resides in an assisted living center and is doing very well. The Public Guardian is also pursuing prosecution against the neighbor for the thousands of dollars that were missing from the client's accounts over a period of four months.

MARIN COUNTY

Referral Information

A non-mandated reporter contacted APS after a visit and looking through the client's checkbook. The client was primarily sending funds to New York. Callers had told her that she had won a large prize, but needed to send \$2,000 for conversion or documenting fees. In a one-year period, the telemarketing scams received approximately \$45,000 from the client.

Client Information

The client is an 84-year-old widow living in her home. She manages her daily activities, even though she is slow and frail and has had injurious falls. Even though she could afford in-home help, she is not interested. She is isolated, having outlived her friends and siblings. Her children live in the State, but out of the area, and her primary contact with them is by phone. The home is adequate but dusty, poorly maintained, and the exterior is overgrown with weeds. She has two cats and a very old, frail and slow Dachshund that sleeps all day on a pillow at her feet.

APS Findings

At the second APS visit, when the client had kept a log of the telemarketing calls and the amounts requested, it was determined she received daily calls from a man in New York. She liked him and he often called collect. At his request, she initially sent money orders. At about the time he started calling collect, the client explained it was hard to get money orders because she takes the bus for all errands. He agreed to accept her personal checks. A review of phone bills, Western Union, and bank records revealed the location of an upstate New York phone booth from which the calls originated and the Western Union office, in the same small town, where the funds were given to the suspect.

Interventions

The client agreed to cooperate with law enforcement in the investigation. Law enforcement put a trace and recorder on her phone line, and asked her to keep the caller on the phone as long as possible by explaining she could not afford to send money, although she really wanted to, and asking why he had not sent the winnings previously promised. As instructed, she told the caller she would cash a large CD soon, and would then send the funds required so she could receive her winnings. As directed by law enforcement, she sent a final money order. In conjunction with law enforcement in New York –phone booth was staked out and an arrest was made. Prosecution proceeded in New York, where the checks were cashed.

APS Follow-up

As of the time APS closed the case, the victim had not received restitution of any funds, but the losses were stopped in a manner that empowered her. She now keeps telephone scam and other fiduciary abuse literature right by her telephone to remind her of the danger of believing what she hears from strangers over the phone. Her family informed APS that they too were pleased with both the intervention and the outcome, and they tell many people of the prevalence of telephone scams.

Referral Information

A non-mandated reporter contacted APS to report possible financial abuse of an elderly couple.

Client Information

The clients were an elderly couple in their eighties. They own and have resided on their ranch for over 30 years. The couple lives frugally and is trusting of others.

APS Findings

The clients sent money several times through Western Union in anticipation of receiving Canadian Lottery 'winnings'. The clients were actually conned out of \$30,000. The clients were competent to take care of needs, but vulnerable due to undue influence. Part of the APS investigation was to make a cross-report to law enforcement. Law enforcement contacted "Phonebusters", a program operated by the Ontario Provincial Police and the Royal Canadian Mounted Police. The criminal case is now in the hands of Canadian law enforcement.

Interventions

After reporting to law enforcement, APS worked closely with family members. APS found a family member who was able to assist the clients with financial matters. A safety net was established at the clients' bank. They accepted assistance and their remaining assets are protected.

APS Follow-up

APS was able to make the couple safe and the case was closed. Due to the international nature of the case, the couple is not expected to recuperate their money.

**MENDOCINO
COUNTY**

Referral Information

A non-mandated reporter alleged the client was in danger of being financially abused by a family member.

Client Information

The client is an 87-year-old male, living alone and independently in his own home. At the time of referral, even though the client was periodically forgetful, he was able to drive and provide for his own care. The client's Parkinson's was manageable with medication. A family member moved in to become the client's caretaker. The client's monthly income is security and a pension.

APS Findings

APS found the client's home to be neat and clean, except for stacks of mail and papers. The client receives mail from lotteries, scams and psychics stating he has "won" and would need to send money. The client sends money expecting to collect the promised winnings. He also has an enabling relationship with the caretaker, paying all household bills and the caretaker's credit card debt.

Interventions

Initially, the client was unwilling to accept APS services. He indicated he was able to safeguard his resources and would not allow anyone to take advantage of him. APS counseled the client and suggested money management services and assistance to go through mail and bills. The client stated he wanted to pay the caretaker's bills and to send money to lotteries. APS worked with law enforcement and family members to monitor the caretaker's activities. Even though the client refused money management he did allow APS to "check in" on him every 2-3 weeks.

APS Follow-up

The client had received utility shut-off notices, depleted his savings, and was unable to pay the credit card debt. The client's health had deteriorated. He is frail, requiring more care, and unable to drive. Finally, the client agreed to money management services. In addition to this, APS is pursuing conservatorship of the estate only.

MERCED COUNTY

Referral Information

APS received the initial report that alleged financial abuse and neglect of the client by a family member. A second report was made by a mandated reporter at the facility where the client was placed after suffering a stroke.

Client Information

The client is a female living with her daughter. The client's only income is SSA/SSI benefits.

APS Findings

APS attempted a home visit and was informed the client was residing in a local

skilled nursing facility due to another stroke she suffered a week earlier. The following week, a mandated reporter contacted APS to report that the client's daughter was going to sign her out of the facility against medical advice and take her home, which was alleged to be filthy and unfit for the client. APS conducted a home visit accompanied by a Public Health Nurse. The client was found in the back bedroom of the residence sitting in a recliner with several blankets piled up on her. The nurse removed the blankets to examine the victim and discovered that she was covered with live and dead cockroaches, had feces on her clothes and shoes, and was wearing a diaper that appeared to have not been changed in several hours. The client had sores on her legs and on her back.

Interventions

APS called law enforcement and paramedics to the client's home. The client was removed from the residence and taken to the hospital to be examined by her doctor. Law enforcement forwarded the report to the detective. With the assistance of the detective, not only the allegation of neglect was confirmed, but also the allegation of financial abuse was confirmed. The client's daughter admitted to the APS worker and the detective that she was charging her mother \$500 a month for rent, was forging the client's personal checks and using her credit cards. The client's only income was SSA/SSI benefits. The daughter was arrested and charged with three felony counts of abuse and neglect. The daughter accepted a plea bargain from the District Attorney and pleaded guilty to two of the charges and agreed to serve eight months in jail. Due to the jail being overcrowded, she was released after six weeks for good behavior.

APS Follow-up

It is hard to estimate just how much money the daughter stole from the client over the years, but the detective was able to determine that during a period of four months, the daughter stole \$4,500. The Probate Court granted the County Conservator's Office conservatorship of the client. The client is safely living in a SNF.

Mono County

Referral Information

A report that a family member financially abused the client was made by a non-mandated reporter.

Client Information

The client is a 75-year-old woman suffering from insomnia and depression. She was admitted to a psychiatric hospital and asked a family member to help with her finances.

APS Findings

Client and a family member agreed to a joint checking and savings account, while the client was in the hospital. During this time, the client's funds were transferred into the family member's account. Gradually, the client improved and moved into a board and care facility. The client sold her home and gave the family member \$18,000 with instructions to purchase a mobile home in both their names. Later, the client learned

the money in her bank account had been moved to the family member's account; the client's Social Security checks were being deposited into the family member's bank account; and the mobile home was only in the family member's name. The client confronted the family member, who admitted her guilt. With the help of another family member, the client obtained a copy of the bank account statements and the trust deed for the mobile home. The client also learned that the money received from the sale of her home totaled \$72,000 and had been taken as well. The family member was using a power of attorney for her mother to transfer the funds.

Interventions

APS cross-reported the allegations to law enforcement. Senior Legal Services was contacted and assisted the client in overturning the power of attorney. Law enforcement investigated the case and convinced the family member to add the client's name on the title to the mobile home and return the remainder of the money taken.

APS Follow-up

The District Attorney did not file charges. The client's name was put on the title of mobile home. Some of the money was returned. APS made regular visits to the client on a monthly basis until the situation was stabilized.

**MONTEREY
COUNTY**

Referral Information

A mandated reporter initially reported the client to APS for a health and safety check. While the APS worker was assessing the client regarding the initial problem, a second allegation of financial abuse was reported.

Client Information

The client is a 79-year-old woman diagnosed with a mental disorder and mild dementia.

She lives alone in an expensive neighborhood with a dilapidated home.

APS Findings

While assessing the client's health and safety, the APS worker discovered that the client had been befriended by a cab driver that the client used regularly for her transportation needs. The cab driver observed that the client carried large sums of money in her purse and that she was grandiose in her spending and tipping habits. The cab driver would drive her to restaurants and soon was invited to join the client. He then offered to help her with her mail and bills and managed to steal checks and credit cards. He began to systematically deplete her accounts. He also convinced the client to sign over the title of her car to him so that he could provide free transportation for her.

Interventions

The APS worker, along with the law enforcement investigator, worked with the bank and the client records to build evidence to submit to the District Attorney. After reviewing the records, the District Attorney charged the cab driver with elder abuse.

He was arrested and brought to trial. During the trial, the cab driver agreed to plead out to a lesser charge that included jail time and restitution.

APS Follow-up

In developing a plan to deal with the possibility of future financial abuse, the APS worker decided to assess whether the client needed to be conserved. The APS worker obtained a formal assessment of competency by a clinical psychologist certified to testify in Probate Court. The assessment indicated that the client had significant deficits, but was not yet an appropriate subject for conservatorship. The APS worker continued working with the client to develop an alternative plan that would offer her protection. The client agreed to meet with an attorney in order to arrange for a power of attorney for financial affairs, to create a trust to protect her assets and income, and to allow a bonded and licensed home health agency to come into the home to provide bill paying, housekeeping, transportation and other services necessary to support the client in her plan to remain independent.

NAPA COUNTY

Referral Information

A non-mandated reporter contacted APS and alleged that the client had been financially abused by his daughter.

Client Information

Client is an 88-year-old widower who owns a home.

APS Findings

The client's daughter has had problems with substance abuse and had not been involved with the client. The client raised this daughter's children due to her problems. Another family member became involved with the client's finances when his memory started to fail about 15 years ago. Several years ago, the client's daughter had been clean and sober and was accepted back in the family. She managed to convince the client to turn over his financial affairs to her. As a result, her name was added to the client's checking account and she became the sole beneficiary of the client's estate. The daughter would use the client's money to take trips and to pay for her credit card debt. The reporter discovered the financial abuse being perpetrated on the client by his daughter. She consulted a lawyer and called APS.

Interventions

APS investigation confirmed financial abuse and cross-reported the case to the District Attorney and law enforcement. The case is currently being investigated by law enforcement. The client's granddaughter obtained Durable Power of Attorney and applied to become the client's conservator. APS also provided counseling and made referrals to Lifeline, Meals on Wheels and other community resources.

APS Follow-up

The granddaughter decided not to pursue the conservatorship because she felt threatened by the client's daughter and conflict with other relatives. APS is now pursuing a probate conservatorship with the Public Guardian to protect the client. APS is monitoring the situation and visiting the client monthly to assure that he is being protected.

NEVADA COUNTY Referral Information

A mandated reporter contacted APS to make a report of mental, verbal, and possible financial abuse of an elderly female patient while she was in a hospital.

Client Information

The client is an 82-year-old woman, living in her mobile home with her boyfriend. Her only income is Social Security.

APS Findings

The client has minor memory and judgment problems and needs some direct physical assistance from a caregiver. As her need for physical assistance increased, the client considered moving in with her family, independent of her boyfriend. Upon learning of these plans, the boyfriend threatened to take the client's mobile home and her personal belongings. The verbal and mental abuses were confirmed. However, financial abuse was inconclusive. Although some personal belongings were missing, it was not possible to prove that the boyfriend had taken them.

Interventions

APS met with the boyfriend and he agreed to move out of the home. APS assisted the client and her family to obtain needed services through local community based organizations and programs. Eventually, the client was placed in a skilled nursing facility.

APS Follow-up

This case is an example of the benefits of APS involvement for clients at risk. The taking of the client's home and personal belongings was thwarted by APS' presence.

ORANGE COUNTY

Referral Information

A non-mandated reporter called APS after discovering that client had liquidated her stock investment accounts (over \$300,000) to purchase long term annuities and now did not have sufficient income available to meet her living expenses.

Client Information

The victim was an 86-year-old widow living in her own home with the support of a part time paid caregiver and family oversight. Client was generally in good health and was able to manage all personal care. Her caregiver provided housekeeping services and the family provided general supervision of caregiver and client finances. Since the family lived out of the immediate area, they only saw the client about once a month.

APS Findings

APS investigation verified the referral information.

Interventions

APS arranged for a psychological assessment that indicated that the client had moderate to severe dementia and did not understand the consequences of the financial transaction she had made. Although the client had adequate memory and judgment to function safely within the familiar environment of her home with supervision, her higher-level executive function and reasoning abilities were significantly impaired. The case was presented to the Orange County Financial Abuse Specialist Team (FAST), which coordinated an investigation with law enforcement, and the California Department of Insurance. With the proof of her limited mental capacity, the insurer agreed to return all of the money invested in the annuities, without imposing any early redemption penalties. The agent who sold the annuities had a long business history without any other complaints filed. Since the client suffered no financial loss, the Department of Insurance decided that the appropriate response was to issue a warning letter.

APS Follow-up

No further action was needed as the family increased the number of hours the caregiver provided and began managing the client's finances using an existing trust arrangement.

PLACER COUNTY

Referral Information A non-mandated reporter reported concern about client's new relationship with a younger woman. Over the past year, the client has given the woman money for food, firewood, and other items. The reporter noticed a change in the client's behavior since the new relationship. The reporter alleged the client ignores his wife who is in a skilled nursing facility for Alzheimer's, and having little contact with his children. When the reporter confronted the client about the changes in behavior, the client said he was going to change his will and yelled profanities.

Client Information

83-year-old married male with no reported medical or physical problems.

APS Findings

APS investigation indicated the client visits his wife daily. During his visits, the client is very attentive, shows affection, and interacts lovingly with her. Law enforcement was contacted and the younger woman had no record of known criminal history. The client is spry and able to take care of his daily needs. He reported initiating the relationship with the woman and denies it is sexual. The client indicated his wife had Alzheimer's for 7 years and he cared for her at home for the first 3 years. She has been in the skilled nursing facility for over 4 years. The client finds companionship in the woman, invites her out and pays the tab of his own free will. He admitted spending approximately \$3,000 on the woman, which included paying her apartment rent one month, and a car payment or two - all of his own free will and at his offering. He indicated he has substantial assets and the money spent on the woman does not impact his ability to

maintain his lifestyle or afford his wife's care. He declined APS intervention.

Interventions

APS determined client has capacity to make decisions and understands the nature of what he is doing. He denied the woman ever asked him to borrow or have any money or items, and he stated he was acting of his own free will. APS educated him on what elder abuse is and how to protect himself. APS provided him with a resource guide.

APS Follow-up

APS closed the case, as allegation was unfounded.

PLUMAS COUNTY Referral Information

A non-mandated reporter reported the client had check stubs for checks he did not receive.

Client Information

The client is a 59-year-old disabled adult male with brain trauma from an accident. There are residual effects of childhood polio, and he cannot read or write. Prior to his head injury, he worked with his family in the construction industry. The client has the capacity of an 11 to 14 year old and he also had equilibrium problems later exacerbated by the head trauma. His income is SSDI. Although unable to read or write, the client signs his name and pays his bills with money orders.

APS Findings

After the client's parents died, the client's family members found accident insurance claim receipts for a policy a sister had purchased for the client. The insurance paid \$17,000 that the client never received. Later, the sister cancelled the insurance, saying it never paid anything and was a waste of the client's money. Family members also found check stubs for a class action claim settlement that disqualified the client for SSDI. The client said he received some of the checks, but checks for over \$40,000 did not have his signature. Some of the signatures on the checks appeared to be forged. APS investigation uncovered \$2,300 of homeowner assistance checks issued by the State of California that the client did not know about. APS also uncovered that the client had received In-Home Supportive Services (IHSS) payments as a caregiver for the client but never provided any services. The client's signature on the IHSS time sheets had also been forged, and he did not know he was receiving IHSS. The client believed the yearly visit from the IHSS social worker was about his SSDI.

Interventions

When questioned by APS, the District Attorney investigator, and law enforcement, the sister stated she cashed the checks and gave the client the money. She admitted signing checks because the client was unable to do so, despite the fact he always handles his SSDI check and pays his own bills. Law enforcement and the District Attorney do not believe her, but lack evidence for a trial.

APS Follow-up

The client's sister has called the APS supervisor and threatened to sue the APS worker and Social Services. The District Attorney's office notified APS that due to lack of relevant available evidence, criminal charges would not be filed.

Referral Information

Client was referred by a mandated reporter for concerns about client care. Client needed an appropriate caregiver.

Client Information

Client is an 80 year-old female who receives her monthly income from Social Security. She is bed-bound and is incontinent. Client has mental capacity issues. She has been held-over for psychiatric examination as a gravely disabled person. In the past she received IHSS with her son as the paid provider. However, because her son failed to provide appropriate care, he was terminated as the provider and the client received APS assistance in finding a suitable Family Care Home.

APS Findings

Home visit by the APS worker found the client asleep on the floor of a one-bed hotel room, lying in urine soaked clothing and covered with flies. She had multiple decubitus ulcers (bed sores). The person using the only bed in the room was her son. He stated that his mother prefers to sleep on the floor. He stated that he was taking care of his mother as best he could.

The son had removed the client from a family care home 30 days earlier because he could not find a job and had nowhere to live without his mother's income. She did not have bedsores while at the family care home. At the time of the initial interview, the son refused to take the client to the doctor.

Interventions

The case was cross-reported to police. Pictures of the client, her living situation and her wounds were taken. APS contacted the Public Guardian to get Temporary Conservatorship and the client was moved to a Skilled Nursing Facility where her bedsores could be properly treated.

APS Follow-up

The client is now a conservatee of the Public Guardian. However, because of her failing mental and physical status, she has had to remain in a Skilled Nursing Facility. The case has been filed with the D.A.

Referral Information

There were three separate reports on this case – one was made by a mandated reporter, the other two by non-mandated reporters. The suspicious activity involved the client's great-niece, who took \$10,000 from the client's accounts, encumbered \$50,000 as security for loans, stole \$25,000 directly from the client, and took another \$200,000 in loans from the client. These loans were not being repaid.

Client information

Client is an 83-year-old female who essentially raised her great-niece, including putting her through law school. The client lived independently and presented herself as very competent. The great-niece was slated to inherit 75% of the client's estate upon her death.

APS findings

The great-niece, an attorney licensed by the California State Bar, was using a Durable Power of Attorney to systematically drain her great-aunt's accounts. She took over \$350,000 from the client.

Intervention

On APS' first two interventions, the client was adamant that she was not being financially abused and rationalized why her great-niece was taking money from her. By the time APS intervened the third time, the client stated, "I have had enough and I want to have her prosecuted." She requested APS intervention. APS investigated the case and confirmed the financial abuse. APS assisted the client in finding an elder law attorney who specialized in financial abuse litigation and assisted her in making a police report. A civil suit was brought against the great-niece.

APS follow-up

The client continues to live independently. The great-niece, who was working as an attorney in Southern California, has been arrested and charged with PC 368, Elder Financial Abuse. The civil suit is pending.

Referral Information

A non-mandated reporter made a referral to APS regarding a woman who was being financially abused by her adult daughter.

Client Information

The client is a homebound 76-year-old woman with multiple physical ailments. She has three caregivers who provide 24/7 care. Mentally, she is able to give direction to the caregivers about her needs; however, she is unable to consistently make appropriate business decisions. At one time she and her husband, now deceased, owned a business. The client receives Social Security and a few smaller incomes from pensions and stocks. She owns property, including the home she lives in.

APS Findings

It was discovered that the client had opened a joint credit card account in her and mother's name and that the bill payments are not made on time. There were over-the-limit and late fees and the creditor had been calling the home daily to request payment. The alleged perpetrator makes minimum payments but only enough to keep the account open. The daughter changed the address on the account to her own address so that neither the client, nor anyone caring for the client's financial matters is aware of the bills. The account was discovered because of the daily calls for payment. There was concern that if APS spoke to the client about the matter, it would emotionally disturb her and affect her health. Additionally, it was thought that if confronted with the fact that the alleged perpetrator was misusing the account, the client would justify her daughter's actions and would not want criminal action taken.

Interventions

APS made contact with the client three times. The worker agreed that confronting her with the situation could affect the client's health. APS and the new financial Power of Attorney (POA) communicated with the credit card company the concerns and the company agreed to close the account. Since the client could not be notified of the problem, no criminal case could be formed and the client paid the balance from her estate. Also, the financial POA was advised to regularly check the client's credit reports for possible attempts to open other accounts in her name.

APS Follow-up

The case was closed as inconclusive but services were provided. The financial POA is now taking care of the client's finances and there is minimal risk for future financial abuse by the perpetrator.

Referral Information

The referring source was a non-mandated reporter who alleged that client was being financially abused by his caregiver.

Client information

Client is a 24 year-old Native American male on SSI due to a learning disability and a rare genetic disorder that often results in mental retardation. The client was living

independently in his own apartment in a remote city. The client works part-time and uses the city bus to travel to and from work. Client had previously received IHSS but requested that services be stopped.

APS findings

A visit by an APS worker found the client's home heavily cluttered and in complete disarray. The social worker found out that client was a consumer of the Regional Center, and that the caregiver was provided through one of the Regional Center's contractors. The social worker also found out that the caregiver assisted the client in picking up a large screen TV that client had won at a work party. Although the TV was worth about \$4,000 the caregiver proposed buying it for \$400, and the TV ended up at the caregiver's home. The social worker also discovered that the client lent the caregiver \$1,000 from the \$4,000 stipend client received as a tribal member. When probed with questions about the TV and money, the client was very protective of the caregiver. When asked if he was afraid of caregiver, client responded "no" but that he didn't want the caregiver to yell at him.

Interventions

APS contacted the Regional Center and concluded that after consulting with management, the Regional Center would contact the caregiver contractor to coordinate an investigation. APS met with an officer of the Sheriff's Office, which had previously requested information on client's case, because they had an open case and were investigating allegations of theft. APS ceased further investigation after the Sheriff arrested the caregiver, and the case was with the D.A. Caregiver was charged, pled guilty, and got out on bail. The case has yet to go to court.

APS follow-up

About two months after the first home visit, the APS social worker visited the client, who said the caregiver had paid back the money. When asked about IHSS, the client denied need and said the Regional Center social worker would visit him the next day. Client's home was still in complete disarray and heavily cluttered, but the big screen TV was now in client's possession.

**SAN DIEGO
COUNTY**

Referral Information

APS received a report from a mandated reporter. The client was referred to APS for allegations of financial abuse of a dependent adult.

Client Information

Client is a 42-year-old man with schizophrenia, auditory hallucinations, severe depression, and psychotic and bi-polar tendencies. He owned a home that was paid off and clear of debt, left to him in a trust by his parents.

APS Findings

The client was falsely told by his neighbors/representative payees that he would lose his home due to outstanding debts and needed repairs. In exchange for their help, he was influenced to sign over half of his home to the suspected abusers. The suspected abusers told him they would obtain a loan to pay off his debts, taxes, and for repairs on the home. He was then told that the home would be rented while he was not living there and the

money would go into a savings account for him. Instead, the suspected abusers moved into the home and obtained a loan in the amount of \$55,000. They then used \$20,000 to pay their own bills; they also used the client's SSI for their own needs. The client attempted to move back to his home, but found that the suspected abusers had taken full possession, forced him to sleep on the floor, and restricted his access to parts of the house. Some of the client's belongings were sold and others were placed in storage. The client attempted suicide twice and was taken to the hospital on an involuntary hold. The fact that the client was on parole complicated the matter further. APS determined that the allegations of financial abuse were founded.

Interventions

Because the client is easily influenced, in order to protect him from further abuse by the perpetrators and to ensure a proper living environment, APS assisted him in finding a crisis house until an Independent Living Facility was found. The perpetrators were not evicted because they are also the homeowners until the case is resolved in court. APS assisted the client in arranging outpatient psychiatric care, obtaining a new representative payee, establishing a new checking account, and re-establishing his SSI and Medi-Cal benefits. APS communicated regularly with the client's parole officer to ensure that he was aware of the client's whereabouts to avoid a parole violation. APS also contacted the Social Security Office of the Inspector General and the District Attorney's Real Estate Fraud Division regarding the case. Both agencies investigated the allegations to decide whether to file criminal charges. APS consulted with the San Diego Financial Abuse Specialist Team (FAST) to determine if additional civil action was possible. After determining that a civil action would be warranted, APS contacted attorneys and found one willing to work pro bono with the client.

APS Follow-up

The D.A. completed an investigation and determined evidence was insufficient for criminal prosecution. However, the civil attorney was able to obtain a settlement. The suspected abusers will sign the home back to the client and pay the \$55,000 debt. The client is currently stable on medications.

**SAN FRANCISCO
COUNTY**

Referral Information

A non-mandated reporter reported that the client was being kept in the garage with no one to talk to or see. The reporter said that someone had called the client, who stated she was confined to the garage and needed help to get out of there. The reporter went to the client's house and called the police. The police called the Fire Department to help get inside the house; they could hear the woman yelling but there was no way to get in the house or the garage. During this incident, a neighbor called the caregiver (alleged abuser), who showed up, used the automatic door opener, and drove into the garage where the client was in a bed. When the client saw the visitors, she was happy and they talked. The caregiver became upset with this interaction and asked them to leave. The reporter saw many hypodermic syringes in the garage used by the caregiver for shots of Demerol for the client ordered by her physician. She also noted that her friend's phone was "hot wired" to the doctor's office so that the client could call him anytime.

Client Information

The client is an 88-year-old woman with multiple medical problems; blind, bed bound, and severely addicted to Demerol prescribed by her doctor.

APS Findings

The APS investigation found the caregiver was living in one of the client's two homes. The client's home had been severely neglected by the caregiver and was uninhabitable. The caregiver had moved the client into the garage. The investigation further revealed that there were numerous photographs of her physician throughout the house and the friends alleged he had received large monetary gifts from the client in the past.

Interventions

Because of her dementia, the client was referred to the Probate Court for a conservatorship. A private conservator, appointed by the court, proceeded to gather financial and personal information from the client. In addition to financial exploitation by the caregiver and the physician, the conservator learned that the client and her doctor had a sexual relationship in the past. The Fraud Department of the San Francisco Police Department initiated an investigation that resulted in the arrest of the caregiver, who had fled to Texas and was extradited for the trial. She is now in jail awaiting trial. The physician involved is currently under investigation by the City Attorney's Office and the FBI for several elder financial abuse cases as part of real estate scams.

APS Follow-up

The client was initially placed in the hospital and then in a skilled care facility. She did very well in both settings and was released home. The conservator made numerous repairs to the home, and the client is now able to live again in the home. Another caretaker assists the client.

**SAN JOAQUIN
COUNTY**

Referral Information

A non-mandated reporter reported that the client was being sued by a collection agency for not paying a credit card bill. The reporter stated that someone had fraudulently obtained a credit card in the client's name and used it 5-6 years ago.

Client information

Client is a 76 year-old male whose income consists of Social Security and a small pension. He lives alone in a small house he owns and has lived in for over 35 years. He has high blood pressure and limited mobility. He presents as alert and oriented to time, place and person. He reports no living family and few friends. The client states that he is "worried sick" for fear of losing his house.

APS findings

The APS worker investigated the matter and found that the client was being sued over a \$5,000 debt. The client claimed he never applied for the credit card nor had he ever benefited from it. The client wanted APS' assistance in resolving this issue because he was "very sick" over the constant harassment and threats by the creditors. The client was extremely fearful of losing his house and being evicted. The police had not been informed

of the identity theft allegations.

Interventions

The APS worker immediately cross reported to law enforcement for investigating the identity theft allegations. The APS worker then immediately connected the client with a local legal services agency willing to provide legal assistance and direction, which included getting the credit card company to stop contacting the client. The APS worker requested and provided tangible funds to pay for the legal filing fees to dispute the credit card charges. The APS worker provided ongoing emotional support, advocacy, and assistance in gathering supportive documents for the pursuit of the legal case, and provided the transportation the client needed to attend required appointments. The APS worker obtained the client's cooperation in assisting the investigating law enforcement agencies.

APS follow-up

After law enforcement and legal services were fully engaged, the APS worker limited involvement to some additional transportation assistance then closed the case. Upon closure in this matter, the client expressed his appreciation and gratitude to the APS worker, stating that he would have never lived to fight this thing on his own. He added that he would not have known where to begin in fighting the charges made against him because he did not have the money to hire a lawyer.

**SAN LUIS OBISPO
COUNTY**

Referral Information

An elderly female self-reported she had paid a landscaper \$350.00 to do some landscaping. The landscaper wants more money but has not done the work nor delivered the materials. The landscaper refuses to return the money and told the client to "just call the cops".

Client Information

The client is 75 years old, lives alone; her husband is deceased, and has no children. She can complete personal care without assistance. She sees a cardiologist for an erratic pulse and takes Lanoxin. She receives Social Security, has assets, and manages her own finances.

APS Findings

The client gave a landscaper a check for \$350 of which \$50 was to cover the costs of plants and \$300 was to purchase "gorilla hair" bark. Then the client paid the landscaper \$80.00 for five hours per month maintenance. The landscaper did plant a few plants.

She told the client she needed \$45.00 more for a delivery fee on the bark. The client paid the landscaper who then stated she wanted to order more of the bark. The client refused. The bark was never delivered. The client told the landscaper that she would go with her to the nursery to pick up the bark. The landscaper stated she never goes with clients. She then told the client that she had been in an argument with the nursery owner and had placed the \$300 into her savings account. The client then went to the landscaper's house and asked for the money. The landscaper told the client "you don't trust me" and became upset. The landscaper then scheduled the work, but did not show up, claiming

she was ill. When the client demanded that her money be returned, the landscaper told the client “you don’t like me because I am sick”. The landscaper gave the client \$100 in cash, but refused to pay the \$200 still owed to client.

Interventions

Cross-reported to law enforcement. Law enforcement stated that since the client had accepted \$100 back from the landscaper, ("a civil compromise") the incident was now a civil, not criminal matter.

APS Follow-up

APS referred client to Senior Legal Services and to the Small Claims Advisor.

**SAN MATEO
COUNTY**

Referral Information

APS received a report from a non-mandated reporter regarding an individual, possibly an alcoholic suffering from dementia and depression, trying to sell his home because he needed money. The individual had inherited the home but had not continued its upkeep over the past few years. The house was thought to have a market value of approximately \$784,000. The individual had no other assets or income otherwise.

Client Information

The client is a 59-year-old single male living in his own home.

APS Findings

The client was befriended by three individuals he met at the liquor store he frequented. APS learned that these three individuals were connected to a real estate broker to help find vulnerable people who would sell their property to him, for under market value, and they would receive a 1% cut of the real estate transactions. The client subsequently signed a contract with a financial institution to sell the home to the real estate broker for \$300,000. He received \$2,000 upon signing the contract. Less than one month later, the client accepted an offer from another financial institution to sell his home for \$577,000. The client received \$3,000 in advance for signing this agreement. Another month later, the first real estate broker recorded a lien on the property and wrote a letter stating that he would dismiss the lien if the client paid him \$100,000.

Interventions

Law enforcement and APS concurred that the client needed a thorough psychological exam and that a 5150 may be necessary due to the condition of the home and the client. Each time APS and/or law enforcement went to the client’s home, he was either not at home or would not answer the door. One day on the way to work, the APS worker drove by the client's home and saw him walking down the block and called the police. The police were able to talk with the client, evaluated him and determined he needed to be placed on a psychiatric hold. He was then escorted to the county's psychiatric emergency department for thorough evaluation and was subsequently released back to his home. Because the client had no money to purchase food and was unable to prepare it in his home due to garbage and rodent infestation, APS arranged for emergency food and coupons to obtain prepared meals. APS also purchased shoes for the client as his only

pair had large holes. APS worked closely with law enforcement to monitor the well being of the client.

APS Follow-up

The client was subsequently referred for probate conservatorship. The County has been appointed as Temporary Conservator of estate for this individual.

**SANTA BARBARA
COUNTY**

Referral Information

APS received a report alleging financial abuse and neglect of an elder by his trustees.

Client Information

The client is a 79-year-old widowed male with Alzheimer's living in his mobile home. His cash assets totaled \$7,000 in checking and savings accounts, a loss of \$80,000 within a year. A living trust encompasses the home and the cash assets. His monthly income is \$3,000. The client was formerly a prominent attorney. He and his late wife had no children or known relatives. He cannot drive. He takes daily walks and visits his neighbors.

APS Findings

A husband and wife became the client's trustees with a Durable Power of Attorney (DPOA) for finances and health a year ago, and are nominated as conservators on the trust. They were billing the client a trustee fee of \$3,000 a month. They see the client daily and feed him, but deny being his caregivers. Records revealed credit card debts in the thousands; weekly cash withdrawals in amounts of \$200-\$250; exorbitant expenses of \$400 for groceries; sale of the client's vehicle to trustees for \$2,500 in cash; \$13,000 for the client's wife's cremation; and other questionable transactions. Trustees say they owned residential care facilities for persons with Alzheimer's and claimed that the client does not have cognitive impairments. APS discovered that the State closed their facilities for neglect of residents. Some families and employees sued for money owed and they filed for bankruptcy. Trustees rented an empty room of the client's mobile

home to a tenant with no caretaker agreement. A long time attorney friend of the client is the successor trustee. The trust's attorney and successor trustee demanded that trustees surrender the trusteeship. They declined and produced a letter, allegedly typed by the client, stating he disagrees and wants trustees to remain in charge. The trust attorney and the friend tried visiting the client but were unsuccessful.

Interventions

APS conducted an inquiry, assessed for risk, gathered pertinent documentation, and coordinated available resources, APS reported the allegations to the Sheriff and the Public Guardian (PG) and provided documentation, i.e. capacity declaration by a physician, copies of bank statements, preliminary accounting reflecting disparities, etc. APS requested the PG immediately freeze the client's assets. The PG investigated and filed for temporary conservatorship of the estate and person. The Sheriff initiated a criminal investigation.

APS Follow-up

During the first hearing the judge terminated the DPOA and the trusteeship of the suspected abusers. APS was present at the hearing to provide the court with observations illustrating the concerns and the need for court supervision. The suspects learned in the hearing that the Sheriff is also conducting a criminal investigation of elder financial abuse. The PG was granted temporary conservatorship until further notice. The client remained home with the appropriate care arranged by the Public Guardian.

Referral Information

APS received a call from a non-mandated reporter regarding a woman that was calling law enforcement multiple times daily to complain that she was being gassed. Law enforcement had responded to her calls initially but was now unsure about what to do. Law enforcement had called their attorney to consult regarding the inappropriate use of emergency services. The city attorney contacted APS to see what could be done about the Situation. Later that same day, code enforcement called regarding the same woman and said she was to be arrested for animal cruelty because of the hoarding of cats. Code enforcement had found many dead cats and kittens in the home.

Client Information

The client is a 63-year-old female living alone in her own home. She is known to APS and was referred several times before for self-neglect of medical care, and health and safety concerns. The client is exceedingly bright and articulate, but is delusional and has been convinced for several years that her ex-boyfriend is gassing her. The home is very cluttered and small boxes, containing cat feces, stacked several feet high line the inside perimeter of her home. The client owns multiple cats, many of which are feral.

APS Findings

The Financial Abuse Specialist Team (FAST) visited and interviewed the client. Internet searches revealed she had mortgaged her home for a total of \$723,000 prior to its sale. The team discovered paperwork showing that client had been leasing back the home for \$8,500 a month. Several days later on a visit to the home, a law enforcement officer found an eviction notice on the front door and looked further into the situation. He discovered that approximately a year before the client had sold the home in the upscale neighborhood. The home and property were sold for \$175,000 and its value was estimated at \$1.5 million even though it was clear the home would have to be condemned. She was to be evicted within a month. At several meetings the FAST team strategized on how to save the client's home. It took months to investigate the case and examine the records

Interventions

Despite how the case initially looked, there was no evidence to suggest a crime had occurred. Comparisons of property values showed that the property had been purchased at a reasonable value since the \$723,000 mortgage was paid off through the purchase, and the house was of no value.

APS Follow-up

The client was eventually placed on a LPS conservatorship. The public guardian was charged with cleaning out the home looking for financial records and other personal effects. They wore gas masks when entering the home. The new owners later bulldozed the home.

**SANTA CRUZ
COUNTY**

Referral Information

A mandated reporter had been contacted regarding concerns about large withdrawals from local banks.

Client information

The client is an 83-year-old woman who was withdrawing funds from banks to pay for various expenses, gifts, and loans for the suspect using the client's funds and credit status. The client has Alzheimer's and lived alone. She had hired the suspect to assist with gardening tasks.

APS Findings

APS worked with the client's family to receive information about the client's finances and the client's care needs. APS investigated and determined that legal intervention was needed to protect the client. Coordination occurred with law enforcement and the District Attorney. A conservatorship was initiated to protect the client's assets and to rescind the fiscal transactions that the suspect pursued. One bank had granted a mortgage loan to the client for \$350,000 that had been facilitated by the suspect.

Interventions

The case was reviewed at our Fiduciary Abuse Specialist Team (FAST) meeting. A probate conservatorship was established and actions initiated in conjunction with the Public Guardian to prevent further withdrawals from banks. APS and the Public Guardian also pursued legal steps to take over a loan that was inappropriately set-up. A stay away order was also obtained to prevent further contact by the suspect with the client. Coordination with law enforcement and the District Attorney's office subsequently resulted in charges and a judgment was obtained against the suspect.

APS Follow-up

Further APS involvement was not warranted after the conservatorship was established. Conservatorship is still in place managed by the Public Guardian's office. The client has subsequently moved to Southern California to be near other family.

SHASTA COUNTY

Referral Information

The client was referred for suspected financial abuse. The report alleged that the client's daughter had taken \$35,000 from a savings account, cashed in CDs worth \$10,000 and run up credit card debts totaling \$10,000. The suspected abuser daughter was also the Power of Attorney for the bank accounts.

Client Information

The client is an 82 year old female, with moderate dementia and very pleasant. The client has lived in her home with the suspected abuser daughter for nine years. The client has two daughters. The older daughter is married and has a family of her own. The suspected abuser was the primary caregiver for the client.

APS Findings

APS investigated the report and collected financial records. With the Power of Attorney for the bank, the abuser daughter had complete access to the client's extensive assets. However, the client's living trust gave Durable Power of Attorney for health care and assets only to the trustee, the client's older daughter. The client had trusted her younger daughter with her finances and believed she would never take advantage.

Interventions

APS was able to reverse most of the check charges for the client. Because the older daughter was the trustee and had all powers, no conservatorship was necessary. The size of the estate allowed the client to relocate into an assisted living facility. APS cross reported the alleged financial abuse and submitted evidence to law enforcement. After further investigation a complaint was filed in the courts. The client's younger daughter was charged with felony financial elder abuse. The District Attorney sent booking notification to the defendant. The daughter was held to answer and a preliminary hearing took place. The suspect was arraigned and a settlement conference was ordered in lieu of a trial. The suspect failed to appear and a warrant was issued for her arrest.

APS Follow-up

The client is doing well, in good health and is unaware of the situation. Currently, this case is pending in the courts. The abuser daughter has a previous felony for drug related issues. She was arrested in September 2004. The financial abuse case was well prepared and she did not contest the charges. The daughter has been out on bail. It is anticipated that the daughter will serve jail time, be required to pay restitution, and will receive 3-5 years of probation.

**SISKIYOU
COUNTY**

Referral Information

A mandated reporter contacted APS to cross report an investigation of financial abuse of an elderly woman who they thought needed assistance due to memory problems. A second report was subsequently received by APS indicating the client had told other professionals that money was missing from her bank account. This report also stated the client had memory problems and might need APS intervention

Client Information

The client is an 83-year-old woman living alone. She has a daughter out of the area with which she has little contact. Most of her relatives are deceased. She owns her home and adjacent properties. Her monthly income is from Social Security and a payment from her husband's pension. She presents as having capacity to make decisions, owns an older model car and continues to drive. She has food in the home. She appears safe and

warm.

APS Findings

APS made a home visit after the initial report. The client admitted thinking she won a Canadian Lottery prize of \$100,000 and was asked to pay up-front taxes and fees of \$1,500. She was very embarrassed by this, gave the police the information, and wished people would stop talking to her about it. The telemarketing calls had decreased and to avoid them, she had agreed with her friends to call and let the phone ring once, hang up, and then call back, so she would know it was a friend. The client agreed to sign an authorization for the release of information by her bank. During APS' visit for the second report, she confirmed money was missing from her account but was working with her banker to avoid expenditures without her consent. She was agitated by the questions and again said people should not worry about her bank account.

Interventions

After the first home visit, APS bought and set up an answering machine to help her screen calls and record those asking for money. The client refused further services from APS. During the second visit, she again refused services and the case was closed. However, APS cross-reported the second incident to law enforcement. Law enforcement interviewed her again and learned she continues to send callers large sums of money hoping to get the \$100,000. Over the prior nine months, she has withdrawn approximately \$18,000. The bank tried to keep her from withdrawing funds; the police also talked to her about it, but she insists. In one month, she spent \$10,000 attempting to get the prize.

APS Follow-up

Although she admits memory problems, the client presents as alert and oriented, and can provide for her needs. However, she has demonstrated she cannot resist undue influence. APS is continuing an investigation to determine if a referral to the Public Guardian for conservatorship of her estate is appropriate. Her account is down to \$4,000. She reported to the bank that people continue to call and are often mean to her. When at the bank, she appears convinced that she will get her money back plus the prize. A significant barrier in this case is that the client presents as having capacity to make decisions and refuses services.

SOLANO COUNTY Referral Information

The client was referred for alleged financial abuse due to possible forged checks. The client had control and possession of her checkbook. The client had invited a couple to live in her home in exchange for help. It was alleged that the wife had forged checks on the client's checking account.

Client Information

The client is an 80-year-old Filipina SSI/SSP recipient living in a home owned by her son, who has power of attorney. The client has allowed the home to become covered in dirt and grime and the yard to become weed infested. While she has been diagnosed with early stage dementia, she is not conservable. Her life history is one of making unusual and often poor decisions that negatively impact her. Many of her children are estranged

from her.

APS Findings

The couple living with the client forged checks taken from the client's checkbook. When confronted with the cancelled checks, the perpetrators admitted forging four of the client's checks stealing \$140 in the process. When the client initially met the couple, the client's family learned through a background check that the male perpetrator has a criminal history of numerous convictions of a similar nature in another state. Despite that, the couple was allowed to move in with the client.

Interventions

The police department teamed with APS and confronted the suspected abusers who then moved out of the home. An application for In-Home Supportive Services was processed for the client and arrangements were made for a provider through the Public Authority. No criminal charges were filed by law enforcement. The APS worker had lengthy discussions with the two family members involved with the client in order to urge them to put some protections in place for their mother.

APS Follow-up

The APS worker has followed this client since the initial referral and has monitored the IHSS case since that time. Within a few months, another APS situation arose: Another person that the client befriended had financially exploited her. The family had taken none of the actions suggested to protect the client except for taking possession of the checkbook.

**SONOMA
COUNTY**

Referral Information

APS received a report that the client was at risk of losing his condominium because he had not made mortgage payments for several months. The utilities had been turned off and he did not have any income at the time of the referral.

Client Information

The client is a 52-year-old male who suffered a severe stroke resulting in speech that is very difficult to understand and right side paralysis. The client's cognition is impaired and difficult to assess. He was unemployed at the time of the stroke but had been employed for over 18 years. Because of his disability, he was unable to sign checks (he uses an X) or gain access to \$24,000 in stocks being held by his partner to pay his bills.

APS Findings

The client had a long time relationship with a live-in partner, the mother of his two children, 14 and 12 years old. The partner is not responsible with money and spent \$11,000 in stocks in six months without paying any basics such as mortgage and utilities. It is unclear if the partner forged the client's signature or if he signed willingly. He believed she was paying bills responsibly. It is significant that although involved in a long-term relationship, the partner had no access to the client's finances and is not on the title to his home. When APS became involved, foreclosure proceedings on the condominium were in progress, and the water was being turned off. The client was unaware of this and shocked to find out. He told APS that he wished to remain in the

relationship and stay in his home, and wanted his stocks and money secure and bills paid by an outside agency.

Interventions

The client's partner never accounted for the \$11,000 she spent. She attempted to influence him against money management and to prevent APS from meeting with him. APS called law enforcement to get the partner to turn over the remainder of the stocks. APS then helped the client obtain daily money management through a local non-profit that helped him cash the remaining stocks to pay the overdue mortgage and fees and get the utilities back on. APS made a referral to the Public Guardian's Office who was ultimately appointed representative payee. APS also helped the client obtain SSDI. While waiting for SSDI to be awarded, APS advocated with the Social Security Administration to prevent the partner from becoming payee. The client received \$14,000 from SSDI in retroactive benefits. This money was not released until the Public Guardian's Office became payee.

APS Follow-up

The client has since married his live-in partner but he does not want her to have access to his separate money.

**STANISLAUS
COUNTY**

Referral Information

The client was referred for possible financial abuse. The client was hospitalized for about one month for knee replacement surgery and rehabilitation. During that time, her daughter used her ATM card, wrote forged checks on her account, and opened charge accounts without the client's knowledge.

Client Information

The client is an 83-year-old woman who lives in her own home with her 47-year-old daughter, 18 year old grandson, and 13 year old granddaughter.

APS Findings

Client's daughter is on disability; client's grandson is not in school or working and has a history of drug use. Daughter has been unsuccessful living on her own; client had co-signed for two previous apartments and has had to pay thousands for rent and damages. Her daughter and the daughter's children came to live with her a few months prior. The daughter's husband is in prison on a third strike charge. The total amount spent by her daughter while client was in the hospital was \$27,000. In addition, client's grandson, who does not have a driver's license and is on probation, totaled her new car.

Interventions

Initially, client did not want to press charges because of concern about her granddaughter. However, as the bills started coming in, she agreed to file a police report. APS assisted the client to put a fraud alert on her accounts with the credit reporting agencies. APS copied all bills and bank statements and presented them to the police department. The daughter was arrested. The District Attorney filed charges. The daughter pled guilty to felony elder financial abuse. The daughter received a sentence of

150 days in jail with a stay away order when she is released. The client was not held responsible for the debts incurred by her daughter; the bank and all the credit companies made her finances whole.

APS Follow-up

In a subsequent incident, the client's grandson is reported to have stolen a new ATM and has withdrawn funds from the client. The card was cancelled. The police department will arrest him when he can be located. The client has installed an alarm system on her home. The daughter is now out of jail. The client and her daughter went to some length to lift the restraining order. The daughter is now living with the client helping her get the house ready to sell. The house is currently on the market and the client plans to follow through with her plan to move to senior housing.

SUTTER COUNTY Referral Information

The client was referred for possible financial abuse. It is alleged that the one of the client's sons was using client's income.

Client Information

The client is an 82-year-old male. He had a stroke and suffers from some dementia; he lost his driving privileges.

APS Findings

The suspected abuser lives in the same town as the client and visits often. He also has the client withdraw \$1,500 from the bank and to give to him every month. The perpetrator's income is from SSI. Over the past two years, the client's savings had dropped from \$200,000 to \$12,000. Two weeks into the investigation, it appeared that the perpetrator also stole a credit card and \$60 from his father's wallet.

Interventions

APS contacted the police to report the stolen credit card and cash from the client's wallet. APS also arranged for a mental health assessment, home visits by a volunteer through a law enforcement sponsored program, and increased the hours of the paid provider. APS also confronted the perpetrator on numerous occasions regarding undue influence, fraud, and theft. The perpetrator quit hassling the client for money. Another son found an assisted living program near this son's home and, with the help of APS, gained conservatorship over the client.

APS Follow-up

The other son now has conservatorship for the client and pays all his bills. Client is not ready for assisted living yet and lives alone; he has a service provider through a local agency. Volunteers from the law enforcement program continue to visit client a few times every month to check on him. The suspected abuser son continues to visit the client but is no longer a problem.

Referral Information

APS received a report from a financial institution; the client was known to APS. The initial report was that he was spending thousands of dollars on scams and was delinquent in paying his bills.

Client Information

Client is an 81-year-old male who lives alone. His income is from Social Security and is approximately \$1,000 per month.

APS Findings

Client has 11 run down rentals and a walnut orchard. He is competent but unable to take care of his financial affairs and appears unable to resist undue influence. He is taken advantage of by his renters and he does not keep accurate records. He is also taken advantage of by others and responds to lottery mail.

Intervention

APS worked with client to get an unlisted and blocked phone number, placed s him on the do not call list, and purchased a "zapper" machine for the phone in order to discourage telemarketers. APS made joint visits with an investigator from the District Attorney's Office, met with relatives and a private attorney. The client agreed to a representative payee but not property management.

APS Follow-up

APS worked with the client for a long time during which he rarely followed through with anything that would improve his financial situation. Presently, he is working with an attorney who is assisting him in evicting renters and setting up an accounting system for the rentals. The attorney wants to audit the bank statements. A meeting with a Multi-Disciplinary Team (MDT) occurred and included the client, his attorney, public guardian, and other MDT members to discuss the situation in order to try to protect him and his assets. The public guardian will be the client's representative payee. The client's attorney became more involved and has dramatically reduced risk to his assets. With protective issues resolved, APS closed the case.

TRINITY COUNTY Referral Information

A non-mandated reporter called APS with concerns that an elderly woman had been befriended by a younger male who was cashing checks in large amounts.

Client Information

The client is an 80-year-old female living alone in a large home. Her husband died recently and her two sons live out of the area. She met the suspect in a bar. Both were long time drinkers. The client has dementia.

APS Findings

APS conducted an investigation and confirmed financial abuse in an amount greater than \$16,000 in cashed checks. The suspect would drive the client to the bank. It was observed that she would cash a check then walk straight to the car and hand the suspect the money.

Interventions

APS forwarded information on the case to the District Attorney's Office. APS contacted the two sons to assist with protecting the client. APS also contacted the Public Guardian's Office for a probate conservatorship to protect the person and the estate.

APS Follow-up

The assistance from the sons was unsuccessful due to the continued abuse by the suspect. The Public Guardian established temporary probate conservatorship. A son is now the permanent conservator. The client now lives in an assisted living setting close to her son and is doing well. The suspect was arrested and charged with multiple counts of grand theft and financial elder abuse.

TULARE COUNTY Referral Information

APS received a report that client was no longer able to care for herself. There were concerns about her ability to manage her finances and that she was subjected to a constant barrage of calls from phone solicitors to whom she gave away a good deal of her income. The client often asked others for help with different issues.

Client Information

The client is a 78-year-old female living independently. She is in reasonable good health and has short-term memory problems.

APS Findings

APS' investigation confirmed the allegations. The client was resistant to any type of intervention and was initially found to be able to make her own decisions. She refused APS services.

Interventions

A short time after the initial face-to-face visit, APS received another call that the client

believed she had won a lottery and that she was trying to get someone to take her to the bank so she could purchase and mail a money order. APS responded immediately and arrived at the client's home just before the taxi she had called was to take her to the bank. She was going to send \$2,250 to Canada. She had been told she would receive \$50,000 in return. APS was able to convince the client it was a scam. The client was also offered payee services, which she refused.

APS Follow-up

APS monitored the situation over a period of time. The client was diagnosed with Alzheimer's disease and continued to deteriorate. She also continued to refuse APS' services. APS referred her to the Public Guardian's office and client was conserved. The client was placed in a Board and Care setting. Her home will be sold to pay for her care. The client has made a number of friends at the facility and is delighted to be there.

**TUOLUMNE
COUNTY**

Referral Information

APS received a report indicating that his caregiver son was not meeting the client's needs.

Client Information

The client is an 84-year-old man that has dementia and severe health issues.

APS Findings

APS began an investigation and discovered that the client had recently allowed his daughter and son-in-law to move into the home. The caregiver son reported fear of his sister and brother-in-law. Caregiver son reported that his sister had taken the house from their client; she had the client sign it over to her. APS then began a financial investigation regarding these allegations. The daughter reported that she moved in to help with the care of her client because her brother was unable to meet his needs. She also tried to explain why she took the house. During the investigation, APS did not find any indication that the son was not meeting the client's needs. Once the house was in the daughter's name, and less than a month had passed, the daughter attempted to file a restraining order so that the client and son would have to move out of the home; she attempted to evict them. During this time, the son was concerned with his client's fragile health.

Interventions

APS and caregiver son developed a safety plan for alternate shelter in the event he and client needed to leave the home immediately. APS reported the financial abuse to law enforcement and recommended that the son get an attorney for legal advice. APS contacted law enforcement and the District Attorney's office regarding the attempted eviction by the daughter when it occurred. APS also directed the son to stay in close contact with the client's doctor and advised him to take the client to the ER if needed. The attorney was able assist with the return of the house to the client's name. The daughter was restrained from the home and the stress to the client was reduced.

APS Follow-up

The son continues to meet the client's needs. APS referred the case to the Mental Health Older Adults System of Care for counseling and the Area Agency on Aging for possible future case management and respite care for the son.

Referral Information

This report was a self-referral. The client discovered his name was not on the title to his home so he contacted a realtor involved in the transaction of purchasing this home. The realtor prepared a Quitclaim deed to correct the error. The alleged abuser (grandson) failed to attend two appointments to complete the Quitclaim deed. This is when APS was contacted

Client Information

This was the first referral for this client. Client is a 78-year old male. He receives SSA/SSI of \$790.

APS Findings

Client owned a home in Fresno. The home was sold for \$80,000 and the \$29,000 equity was used as a down payment for a home in Oxnard. The client was unable to qualify for a loan, so his grandson took the loan in his name. The same realtor facilitated the sale and the purchase of the homes. The client lives in the home and the \$2,063 monthly mortgage is paid with his SSA/SSI of \$790 and rent from several migrant farm workers who reside with him. The client's daughter collects the rent from the migrant farm workers and pays the mortgage.

Interventions

The alleged abuser informed APS he would sign the quitclaim deed, but never did. The case was presented to the Ventura County Financial Abuse Specialists Team (FAST). The FAST consultants provided several suggestions on how to add the client to the title.

APS Follow-up

When he was told the case would be sent to the District Attorney, the alleged abuser willingly signed the client to the title of the property. The client was satisfied and remained in his home. APS closed the case.

YOLO COUNTY**Referral Information**

The report was by a financial institution of financial abuse of the client by the woman hired to provide some home maintenance for the client. Forged checks had been issued. APS was call to investigate the report of forged checks totaling over \$100,000.

Client Information

The client is a 98-year-old female living alone in her own home where she has resided for over thirty years. She is partially blind, does not receive any support services nor wish to have any. She has a friend who visits her and helps her pay bills.

APS Findings

The APS worker found the client's home to be in fair, but not hazardous condition. The client was alert, oriented and able to provide information accurately. The client had hired a person to provide some outside home maintenance. Because the friend that helps her write checks to pay bills was on vacation, the client asked the person she hired to help her write the check for the work performed. The individual wrote two checks in amounts totaling over \$100,000.

Interventions

The APS worker cross-reported to the Sheriff who investigated and referred the case to the District Attorney (DA). The DA is prosecuting the case. The bank reimbursed the funds to the client. The APS worker assisted the client in setting up a financial manager. The APS worker had an assessment done by a mental health nurse that found client has only mild impairments. The client refused any in-home assistance.

APS Follow-up

Follow-up visits by the APS worker found the client to be doing well and not wanting any other assistance. A financial manager now protects her money.

YUBA COUNTY**Reporting Party**

Yuba APS learned of the client's death and questionable transactions by the caregiver through the grandchildren. The grandchildren were upset that the caregiver, who had no previous relationship with the client, inherited all of clients' belongings.

Client Information

The client was an 88-year-old blind woman who lived outside of town isolated in the mountains. She was receiving In-Home Supportive Services and Medi-Cal. The county had helped her locate a service provider. The client had lost her husband and both of her adult children but had eight grandchildren in the Bay Area.

APS Findings

The IHSS service provider took the client into the city and had her complete a new Will and a Power of Attorney including an Advance Directive. The provider found the client dead within 30 days of this transaction. Because of the Advance Directive, the caregiver had the client cremated and buried.

Interventions

APS conducted an extensive investigation, which included involvement of law enforcement, the District Attorney's Office, and the State Recovery Department. Law enforcement informed APS that since the client had died, they could not determine it was not the client's wishes to change everything into the name of the caregiver. The State Medi-Cal Recovery Department said that since the caregiver had already liquidated the estate, and it appeared she had obtained it prior to the client's death, they could not go after the provider.

APS Follow-up

Apparently, when someone is on Medi-Cal, if upon death there are no assets in the name of the recipient Medi-Cal will not attempt to recover any funds spent on medical needs.

(APPENDIX A) A Day in the Life of APS - A Year Later

Case Identifier - this can be **any** name and/or number you want to use that will allow you to find this case in the future. It will not be released to the public

County number	
Victim's age at time of report: <i>enter age</i>	
Victim's Gender: <i>enter a 1 in gender</i>	
Male	
Female	
Victim's Ethnicity: <i>enter a 1 for all that apply</i>	
Caucasian	
Hispanic/Latino	
Black/Afro-American	
Other Asian/Pacific Islander	
American Indian/Alaskan Native	
Chinese	
Cambodian	
Japanese	
Korean	
Samoan	
Asian Indian	
Hawaiian	
Guamanian	
Laotian	
Vietnamese	
Other (list)	
Victim's Primary Language: <i>enter a 1</i>	
American Sign Language	
Spanish (Spanish NOA)	
Cantonese	
Japanese	
Korean	
Tagalog	
Other Non-English	
English	
Spanish (Receives English NOA)	
Other Sign Language	
Mandarin	
Other Chinese Languages	
Cambodian	
Armenian	
Ilacano	
Mien	
Hmong	
Lao	
Turkish	
Hebrew	
French	
Polish	
Russian	
Portuguese	
Italian	
Arabic	
Samoan	
Thai	
Farsi	

Vietnamese	
Other	
Victim is non-verbal	
Victim's Level of Physical Dependence on Others: <i>Enter a 1</i>	
Independent	
Needs assistance such as reminding, guidance or encouragement	
Needs some direct physical assistance from a care giver	
Needs a lot of direct physical assistance from a care giver	
Cannot perform function at all without help	
Victim's Yearly Income before abuse: <i>Enter a 1</i>	
Less than \$10,000	
\$10,000 to \$14,999	
\$15,000 to \$24,999	
\$25,000 to \$34,999 (median income for adults)	
\$35,000 to \$49,999	
\$50,000 to \$74,999	
\$75,000 to \$99,999	
\$100,000 to \$149,999	
\$150,000 to \$199,999	
\$200,000 or more	
Unknown (<i>and unable to make an educated guess</i>)	
Victim's Source of Income: <i>Enter a 1 in all that apply</i>	
Pension	
VA benefits	
Social Security	
CAP/IGA/Relief	
Investment Income	
Annuities	
Income from a business	
Social Security Supplemental Income	
Family Member providing support	
Other (<i>please list actual source</i>)	
Unknown	
Victim's Living Situation at time of abuse: <i>Enter a 1</i>	
Living independently	
Living in own home with family members (<i>include unmarried partners of either sex here</i>)	
Living in own home with non-family/ non-caregiver (<i>friends, room-mate, boarders, etc.</i>)	
Living in own home with non-family caregiver or others	
Living in own home with IHSS Provider	
Living in the home of a family member	
Living in a Room and Board	
Living in a Board and Care	
Living in Acute Care Facility	
Living in a Long Term Care Facility	
Homeless	
Other	
APS Worker's Evaluation of the Victim's Mental Capacity: (<i>This is meant to be a continuum from no problem to major problems</i>) <i>Enter a 1</i>	
No issues noted	

Minor memory or judgment problem	
Executive functions impaired	
Fluctuating	
Susceptible/Vulnerable to Undue Influence	
Substance Abuse/Alcohol/Meds.	
Conservatorship of victim's estate is needed	
Conservatorship of the person needed	
Does the Victim have Mental Health Issues?	
<i>Enter a 1</i>	
Yes	
No	
Did MH Issues contribute to the abuse?	
<i>Enter a 1</i>	
Yes	
No	
Did the Financial Abuse Occur? <i>Enter a 1</i>	
Financial abuse was Confirmed	
Financial abuse was Inconclusive	
Financial abuse was Unfounded	

Value of Victim's Assets at risk <i>(check if the asset was at risk; if the value is known, enter the value of the asset or an estimate in each column that applies) or enter a 1</i>	Value	Lost at time of report	At Risk at time of report	Lost after report	Recovered <small>(actually returned to victim)</small>	Unknown
Home: <i>use market value at time of report</i>						
Cash						
Bank Accounts: <i>use value at time of report</i>						
Vehicles						
Investments: <i>if fake (e.g. ponzi scheme) use \$ invested by victim as "value" and "at risk"</i>						
Other Real Estate: <i>use market value at time of report</i>						
Personal Property (art, jewelry, etc.) <i>if known</i>						
Credit cards: <i>(for "value" and "at risk" use credit limit)</i>						
Business: <i>use market value at time of report</i>						

If Victim was Financially Self-Neglecting, Complete this section:	
Indicate problem area: <i>Enter a 1 for all that apply</i>	
Victim mismanages money due to cognitive impairment (dementia or retardation).	
Victim's income does not cover necessary expenses and victim does not know how to access assistance.	
Victim is trying to maintain a former life style on a reduced income (e.g. trying to maintain a car on SSI income).	
Victim invested in schemes <i>(do NOT count lotteries here)</i> in an attempt to increase income.	
Victim goes on spending sprees with no regard for money management.	
Victim tries to "buy friends" by giving away money.	
Victim is easily influenced and will buy anything.	
Victim is addicted to Home Shopping Channel, QVC, or similar service.	

NOTE: Mental illness is captured in another section. Please indicate the victim's behavior/rationale here, regardless of the underlying mental problem, except where indicated.

Victim gives money to family knowing it cannot be recovered	
Victim will not spend resources	
Victim spent money on annuities	
Victim is addicted to entering contests	
Victim is addicted to alcohol	
Victim is addicted to drugs or medications	
Victim is addicted to gambling	
Victim spent money on sex	
Victim spent money on foreign lotteries	
Victim spent money on Nigerian scam	
Other (List)	

If the Individual is a victim of Financial Abuse by others, Complete this section:

How many perpetrators were involved? *Enter the number of perpetrators*

Enter a 1 here if the perpetrator was a business

Complete a section for each perpetrator (please make an educated guess if exact information is not available). Otherwise mark unknown

Perpetrator's Age/Estimated Age: *enter age*

Perpetrator's Sex: *enter a 1*

- Male
- Female

Perpetrator's Relationship to Victim: *Enter a 1 in all that apply.*

- Spouse
- Domestic Partner
- Adult Child
- Sibling
- Grandchild
- Aunt/Uncle
- Niece/Nephew
- Adult Step Child
- Neighbor
- Long Term Friend
- New Friend
- Parent
- Sweetheart Scam
- Unrelated Caregiver
- IHSS Provider
- Health Services Provider
- Room-mate or boarder
- Church member
- Gardener or Handyman
- Other Hired Help
- Telemarketer
- Securities salesperson
- ID Theft
- Conservator
- Trustee
- Representative Payee

Perpetrator #1

Perpetrator #2

Perpetrator #3

Perpetrator #1

Perpetrator #2

Perpetrator #3

Attorney			
Partner			
Other business association			
Other			
No known relationship (e.g. robbed by a stranger)			
Enter a 1 if this person is a care giver			
Perpetrator's Economic Status: Enter a 1. If exact income is not known, please enter an educated guess if you know the perpetrator's occupation.	Perpetrator #1	Perpetrator #2	Perpetrator #3
No Income			
Employed			
Receives Unemployment			
Receives SSI			
Poverty Level			
Yearly income less than \$10,000			
Yearly income \$10,000 to \$14,999			
Yearly income \$15,000 to \$24,999			
Yearly income \$25,000 to \$34,999			
Yearly income \$35,000 to \$49,999			
Yearly income \$50,000 to \$74,999			
Yearly income \$75,000 to \$99,999			
Yearly income \$100,000 to \$149,999			
Yearly income \$150,000 to \$199,999			
Yearly income \$200,000 or more			
Unknown (and unable to make an educated guess)			
Perpetrator Profile: Enter 1 for all that apply.	Perpetrator #1	Perpetrator #2	Perpetrator #3
Perpetrator is Unemployed			
Perpetrator has a problem with Alcohol Use			
Perpetrator has a problem with Drug Use			
Perpetrator has Mental Health Issues			
Perpetrator has History of Violence			
Perpetrator has a Dysfunctional Family History			
Perpetrator has a problem with Gambling			
Perpetrator has an " Entitlement Attitude "			
Perpetrator has a Criminal Record			
Perpetrator is Heavily Indebted			
Perpetrator is Opportunistic			
Perpetrator is Predatory			
Perpetrators uses Shady/Dishonest Business Practices			
Other (Specify)			
None of the above			
Instrument(s) used to gain victim's asset(s): Enter 1 for each instrument used			
Power of Attorney			
Credit Card(s)			
ATM card			
Checks			
Trusts			
Annuities/Investment Scams			
Deed/Quit Claim			
Wills			
Registrations (for vehicles, boats, etc)			
Misuse of joint ownerships			
ID Theft (stealing mail, email misrouted)			
Internet Scams			
Life Insurance/ Securities			
Lottery Scams			

Other Shady Business Practices (<i>bait and switch, etc.</i>)	
Other	
None of the above	

Method(s) used to gain victim's asset(s): Enter a 1 for *each* method used

Out right theft/ burglary	
Lies and misrepresentation of a situation	
Lies and misrepresentation of a relationship (<i>sweetheart scams, new "best friend", etc.</i>)	
Undue Influence	
Threats/Intimidation	
Physical Violence	
Misuse of Medications	
Isolation	
Taking advantage of the victim's disability (<i>asking blind to sign checks, asking demented to redo will, etc.</i>)	
Emotional manipulation	
Trading on the victim's dependence	
Providing drugs or alcohol to addicted victim/ not addicted victim	
Other	

Intervention(s) used: Enter a 1 for <i>each</i> intervention used.	Recommended in the Service Plan	Actually Implemented
FAST Team		
VAST Team		
Given a complete psych evaluation		
Multi-disciplinary Team		
Froze Assets/ Used Probate Code 2900		
Conservatorship		
Representative Payee		
Law Enforcement Involvement		
Victim Assistance		
Civil Remedies		
Eviction of Perpetrator by Client		
Met with Perpetrator		
"Undid" legal actions (<i>took name off account, nullified quit claim, etc.</i>)		
Strengthen Support System (<i>got family involved, etc.</i>)		
Alerted bank		
Emergency Protection Order		
Changed locks		
Restraining Order		
Filed a complaint with a regulatory agency		
Brought in an IHSS or Private Pay caregiver		
Competent Victim refused all services		
Competent Victim was noncooperative		
Other		

Social Consequence to Victim: Enter a 1 for *all* consequences that apply.

Early Death	
Attempted Suicide	
Suicide	
Homelessness	
Moved	
Institutionalized	

Appendix B

Definitions

"Abandonment" (W & I Code Section 15610.05) means the desertion or willful forsaking of an elder or a dependent adult by anyone having care or custody of that person under circumstances in which a reasonable person would continue to provide care and custody.

"Abduction" (W & I Code Section 15610.06) means the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, of any elder or dependent adult who does not have the capacity to consent to the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, as well as the removal from this state or the restraint from returning to this state, of any conservatee without the consent of the conservator or the court.

"Abuse of an elder or a dependent adult" (W & I Code Section 15610.07) means either of the following:

(a) Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering.

(b) The deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering.

"Adult protective services" (W & I Code Section 15610.10) means those preventive and remedial activities performed on behalf of elders and dependent adults who are unable to protect their own interests, harmed or threatened with harm, caused physical or mental injury due to the action or inaction of another person or their own action as a result of ignorance, illiteracy, incompetence, mental limitation, substance abuse, or poor health, lacking in adequate food, shelter, or clothing, exploited of their income and resources, or deprived of entitlement due them.

"Dependent adult" (Welfare and Institutions Code Section 15610.23).

(a) means any person between the ages of 18 and 64 years who resides in this state and who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights, including, but not limited to, persons who have physical or developmental disabilities, or whose physical or mental abilities have diminished because of age. (b) includes any person between the ages of 18 and 64 years who is admitted as an inpatient to a 24-hour health facility, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code.

"Elder" (Welfare and Institutions Code Section 15610.27) means any person residing in this state, 65 years of age or older.

"Financial abuse" (W & I Code Section 15610.30) of an elder or dependent adult occurs when a person or entity does any of the following:

(1) Takes, secretes, appropriates, or retains real or personal property of an elder or dependent adult to a wrongful use or with intent to defraud, or both.

(2) Assists in taking, secreting, appropriating, or retaining real or personal property of an elder or dependent adult to a wrongful use or with intent to defraud, or both.

(b) A person or entity shall be deemed to have taken, secreted, appropriated, or retained property for a wrongful use if, among other things, the person or entity takes, secretes, appropriates or retains possession of property in bad faith.

(1) A person or entity shall be deemed to have acted in bad faith if the person or entity knew or should have known that the elder or dependent adult had the right to have the property transferred or made readily available to the elder or dependent adult or to his or her representative.

(2) For purposes of this section, a person or entity should have known of a right specified in paragraph (1) if, on the basis of the information received by the person or entity or the person or entity' s authorized third party, or both, it is obvious to a reasonable person that the elder or dependent adult has a right specified in paragraph (1).

"Isolation" (W & I Code Section 15610.43) (a) means any of the following:

(1) Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.

(2) Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.

(3) False imprisonment, as defined in Section 236 of the Penal Code.

(4) Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.

(b) The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a physician and surgeon licensed to practice medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care.

(c) The acts set forth in subdivision (a) shall not constitute isolation if they are performed in response to a reasonably perceived threat of danger to property or physical safety.

"Mental suffering" (W & I Code Section) 15610.53 means fear, agitation, confusion, severe depression, or other forms of serious emotional distress that is brought about by forms of intimidating behavior, threats, harassment, or by deceptive acts performed or false or misleading statements made with malicious intent to agitate, confuse, frighten, or cause severe depression or serious emotional distress of the elder or dependent adult.

"Multidisciplinary personnel team" means any team of two or more persons who are trained in the prevention, identification, and treatment of abuse of elderly or dependent

adults and who are qualified to provide a broad range of services related to abuse of elderly or dependent adults.

"Neglect" including "Self-Neglect" (W & I Code Section 15610.57) (a) means either of the following:

(1) The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise.

(2) The negligent failure of an elder or dependent adult to exercise that degree of self care that a reasonable person in a like position would exercise.

(b) Neglect includes, but is not limited to, all of the following:

(1) Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.

(2) Failure to provide medical care for physical and mental health needs. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.

(3) Failure to protect from health and safety hazards.

(4) Failure to prevent malnutrition or dehydration.

(5) Failure of an elder or dependent adult to satisfy the needs specified in paragraphs (1) to (4), inclusive, for himself or herself as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.

"Physical abuse" (W & I Code Section 15610.63) means any of the following:

(a) Assault, as defined in Section 240 of the Penal Code.

(b) Battery, as defined in Section 242 of the Penal Code.

(c) Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code.

(d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.

(e) **Sexual assault**, that means any of the following:

(1) Sexual battery, as defined in Section 243.4 of the Penal Code.

(2) Rape, as defined in Section 261 of the Penal Code.

(3) Rape in concert, as described in Section 264.1 of the Penal Code.

(4) Spousal rape, as defined in Section 262 of the Penal Code.

(5) Incest, as defined in Section 285 of the Penal Code.

(6) Sodomy, as defined in Section 286 of the Penal Code.

(7) Oral copulation, as defined in Section 288a of the Penal Code.

(8) Sexual penetration, as defined in Section 289 of the Penal Code.

(9) Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code.

(f) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:

(1) For punishment.

(2) For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.

(3) For any purpose not authorized by the physician and surgeon.

Appendix C

Civil Code § 1575 states undue influence is evident:

1. In the use, by one in whom a confidence is reposed by another, or who holds a real or apparent authority over him, of such confidence or authority for the purpose of obtaining an unfair advantage over him;
2. In taking an unfair advantage of another's weakness of mind; or,
3. In taking a grossly oppressive and unfair advantage of another's necessities or distress.

Penal Code § 368 describes the crimes for which an individual can be charged with elder and dependent adult abuse:

(d) Any person who is not a caretaker who violates any provision of law proscribing theft, embezzlement, forgery, or fraud, or who violates Section 530.5 proscribing identity theft, with respect to the property or personal identifying information of an elder or a dependent adult, and who knows or reasonably should know that the victim is an elder or a dependent adult, is punishable by imprisonment in a county jail not exceeding one year, or in the state prison for two, three, or four years, when the moneys, labor, goods, services, or real or personal property taken or obtained is of a value exceeding four hundred dollars (\$400); and by a fine not exceeding one thousand dollars (\$1,000), by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, when the moneys, labor, goods, services, or real or personal property taken or obtained is of a value not exceeding four hundred dollars (\$400).

(e) Any caretaker of an elder or a dependent adult who violates any provision of law proscribing theft, embezzlement, forgery, or fraud, or who violates Section 530.5 proscribing identity theft, with respect to the property or personal identifying information of that elder or dependent adult, is punishable by imprisonment in a county jail not exceeding one year, or in the state prison for two, three, or four years when the moneys, labor, goods, services, or real or personal property taken or obtained is of a value exceeding four hundred dollars (\$400), and by a fine not exceeding one thousand dollars (\$1,000), by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, when the moneys, labor, goods, services, or real or personal property taken or obtained is of a value not exceeding four hundred dollars (\$400).

SB 1018, The Elder Financial Abuse Reporting Act

An Act to amend, repeal and add Section 7480 of the Government Code, and to amend, repeal, add Sections 15634, 15640, and 15655.5 of, and to add and repeal Section 15630.1 of, the Welfare and Institutions Code, relating to elder and dependent adult abuse. The Bill adds employees of financial institutions to the list of mandated reporters. There are no criminal penalties for failure to report suspected abuse. Civil penalties for failure to report suspected abuse will be \$1000 or \$5000 for willful failure to report. The penalties would be paid by the institution and not by the individual employees. Furthermore, there would not be any private right of action against the employees due to the reporting of abuse. Implementation of the bill is delayed one year to January 1, 2007 and sunsets in 2013.