APS Financial Abuse Investigation Checklist

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

- ❑ **Interview victims <u>and</u> alleged abusers separately.**

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

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

(Check all that apply) The alleged perpetrator is:

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

II. Cognitive and other deficits

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

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

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

(Check all that apply)

- ❑ Client exhibits signs/symptoms of memory loss
- ❑ Client exhibits signs/symptoms of psychosis
- ❑ Alleged abuser states client's memory is good
- ❑ Alleged abuser states client's memory is poor
- ❑ Alleged abuser's story changes about client's memory
- ❑ Client has substance abuse problem which may impair cognition

- ❑ Neuropsychological evaluation needed
- ❑ Client has vision problem
- ❑ Client has glasses/does not have access to them
- ❑ Client is hearing impaired
- ❑ Client has hearing aid(s)/ does not have access to them
- ❑ Client is unable to read
- ❑ Client is unable to write
- ❑ Client is unable to speak/speak coherently

III. Extent of client's estate **(Check all that apply)**

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

IV. Ownership of real property **(Check all that apply)**

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

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

V. Client's finances **(Check all that apply)**

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

VI. Follow-up on misused bank accounts

1. Contact the bank immediately and request that it "flag" the account, and observe with caution.

2. You can access information regarding the client's account by visiting the bank with the client, requesting the DPOA for finances (if appropriate) to act, or have the client sign a release of information for financial information. If the bank is willing, a home visit by bank personnel to a homebound client can be made.

3. Encourage the client to close any misused accounts and open new ones. This can be done in person by the client, or via a letter signed by the client. Make sure that any direct deposits are

transferred to the new account. Note: If misuse of the client's account was done via ATM transactions, recommend that the client not authorize an ATM card for the new accounts.

4. Request copies of past bank statements and pertinent cancelled checks.
   Note- it's important to request copies from before the suspicious transactions began to determine the routine spending patterns and habits of the victim.

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

VII. Contact Law Enforcement

Remember, law enforcement is an important partner in financial exploitation cases and they may be contacted before, during or after your initial investigation depending on the intake referral/allegations. Law enforcement wants to know if a crime has occurred and the elements of the crime.

Client Name_____ Case No._____

Worker Name_____ Date_____

Recommendations:

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

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