

FINANCIAL EXPLOITATION

Participant’s Manual



Module 12

MODULE 12 – NAPSA Core Competencies



School of Social Work

Department of
SOCIAL SERVICES



This training was developed by the Adult Protective Services (APS) Training Project, a program of the Bay Area Academy, San Francisco State University School of Social Work. The APS Training Project is funded by the California Department of Social Services, Adult Services Branch with additional funding for this training provided by California State University Sacramento IHSS Training Project.

© 2010. Adult Protective Services Training Project, Bay Area Academy, San Francisco State University School of Social Work. Please acknowledge this copyright in all non-commercial uses and attribute credit to the developer and those organizations that sponsored the development of these materials. No commercial reproduction allowed.

MODULE 12 – NAPSA Core Competencies

FINANCIAL EXPLOITATION©

INTRODUCTION

APS TRAINING PROJECT – BAY AREA ACADEMY
--

We are pleased to welcome you to the Financial Exploitation training for new APS workers.

The Adult Protective Services (APS) Training Project, a program of the Bay Area Academy/San Francisco State University, works to identify training needs, priorities and emerging issues among county Aging & Adult Services staff - with an emphasis on APS and In-Home Support Services (IHSS) training priorities. The project works in numerous partnerships to develop APS training curriculum and deliver core and specialized training to enhance the skills and knowledge of county social workers serving vulnerable seniors and adults with disabilities in the State of California.

APS Training Project's overarching goal is to develop and deliver statewide standardized core curricula for new APS/IHSS social workers and to share these trainings on a national scale through our partnership with the National Adult Protective Services Association (NAPSA). Professional training opportunities are a critical step toward ensuring APS social workers have the appropriate tools to serve their clients.

The Project is a founding member of the APS Regional Training Academy Consortium (RTAC) and the National APS Training Partnership. Our partners include:

- Academy for Professional Excellence/Project MASTER, Central California Child Welfare Training Academy and the Northern California Training Academy
- California Department of Social Services, Adult Services Branch
- California State University Sacramento IHSS Training Project
- Protective Services Operations Committee of the California Welfare Director's Association (PSOC)
- California Social Work Education Center Aging Initiative (CalSWEC)
- National Adult Protective Services Association Education Committee (NAPSA)

MODULE 12 – NAPSA Core Competencies

PARTNER ORGANIZATIONS

Lori Delagrammatikas, Program
Coordinator for Project MASTER
The Academy for Professional Excellence
6505 Alvarado Road, Suite 107
San Diego, California 92120
(909) 213-6059
ldelagra@projects.sdsu.edu
<http://theacademy.sdsu.edu/programs/>

Kathleen Quinn, Executive Director
National Adult Protective Services
Association
920 South Spring Street, Suite 1200
Springfield, IL 62704
(217) 523-4431 / (271) 522-6650
Kathleen.quinn@apsnetwork.org

Lisa Lahowe, PSOC Chair & Director
Public Guardian-Conservator
Alameda County Department of Aging &
Adult Services
6955 Foothill Blvd, Ste 300
Oakland, CA 94605
(510) 577-1972
llahowe@acgov.org

Krista Brown, APS Project Coordinator
Academy for Professional Excellence
(510) 459-0731
krbrown@projects.sdsu.edu
<http://theacademy.sdsu.edu>

Joanne Otto, Chair
NAPSA Education Committee
960 Lincoln Place
Boulder, CO 80302
(303) 443-9655
Joanne.otto@apsnetwork.org

Kathy Sniffen, Coordinator
CaISWEC Aging Initiative
University of California, Berkeley
School of Social Welfare
Marchant Building, Suite 420
6701 San Pablo
Berkeley, CA 94720-7420
(209) 605-3875
kasniffen@sbcglobal.net

<p>Bay Area Academy – 2201 Broadway, Ste 100, Oakland, CA 94612 – Tel: 510-419-3600 / Fax: 510-663-5532 / Website: www.bayareaacademy.org</p>
--

MODULE 12 – NAPSA Core Competencies

ACKNOWLEDGMENTS

This training is the result of a collaborative effort between Adult Protective Services administrators, supervisors, staff development officers and workers across the state and the nation; professional educators; and Bay Area Academy staff members. The APS Training Project would like to thank the following individuals and agencies:

Agencies

Academy for Professional Excellence/Project MASTER
Alameda County Social Service Agency
California Department of Social Services, Adult Services Branch
California State University Sacramento IHSS Training Project
California Social Work Education Center Aging Initiative
Colusa County Department of Health & Human Services
Orange County Social Services Agency
Tehama County Department of Social Services
San Joaquin County Human Services Agency
San Mateo County Adult and Aging Services
Yolo County Department of Employment & Social Services

Regional Curriculum Advisory Committee

Lisa Lahowe, Director, Public Guardian-Conservator, Alameda County
Jill Nielsen, APS Supervisor, Alameda County
Beth Robey, Director, Dept. Health & Human Services, Colusa County
Donna Dennis, APS Program Manager, Colusa County
Sherry Wehbey, APS Supervisor, Tehama County
Sandra Giannini, APS Supervisor, San Joaquin County
Tish Bianez, APS Supervisor, Yolo County

Committees

APS Core Curriculum Committee
National Adult Protective Services Association Education Committee
Protective Services Operations Committee of the California Welfare Directors Association

Curriculum Developers

Annie Eberhart
Krista Brown

Special Consultant

Candace Heisler, JD, Legal Consultant

Video

Institute on Aging
U.S Postal Inspection Service

TABLE OF CONTENTS

General Information

Introduction – APS Training Project/Bay Area Academy..... 3
Partner Organizations 4
Acknowledgements 5
Table of Contents 6
Executive Summary 7
Course Outline 9
Training Goals & Objectives 11

Presentation

Welcome & Overview 12
Financial Exploitation Overview 18
Indicators of Financial Abuse 28
Who Are the Alleged Perpetrators? 31
Who Are the Alleged Victims? 35
Mental Capacity and Financial Decision Making 38
Undue Influence, Mental Capacity & Financial Exploitation 57
APS Investigation: Steps & Following the Money 65
APS Investigation: Case Study Activity 73
APS Investigation: Challenges to Investigation & Partners in the Field 79
Financial Exploitation Efforts 80
Closing & Evaluations 89
Handout 2.....90

References.....91

MODULE 12 – NAPSA Core Competencies

EXECUTIVE SUMMARY

Course Title: *Financial Exploitation*

Outline of Training:

In this engaging and highly interactive introductory training, participants learn the necessary and essential components for effective financial exploitation investigations. Trainees will understand common victim and perpetrator characteristics; learn the indicators of financial exploitation; understand decision making capacity and undue influence as they are related to financial exploitation cases; describe the primary components of a financial exploitation investigation and the common challenges encountered in these investigations; and demonstrate interviewing and investigative skills through interactive skills practice exercises.

The following instructional strategies are used: lecture segments; interactive activities/exercises (e.g. small group discussion, experiential exercise); question/answer periods; PowerPoint slides; video clip; participant guide (encourages self-questioning and interaction with the content information); embedded evaluation to assess training content and process; and transfer of learning activity to access knowledge and skill acquisition and how these translate into practice in the field.

Course Requirements:

Please note that training participants are expected to participate in a variety of in-class and post-training evaluation activities. These activities are designed to enhance the learning experience and reinforce the skill acquisition of training participants as well as determine the overall effectiveness of the trainings.

An executive summary of each training and directions for post-training evaluation activities will be provided to training participants and their supervisors. Certificates of course completion will be awarded upon completion of ALL course activities.

Target Audience:

This course is designed for new APS social workers as well as Aging & Adult Service partners (e.g. APS/IHSS, IHSS, and Public Guardian/Conservator). This training is also appropriate for senior staff that require knowledge and/or skills review.

Outcome Objectives for Participants:

Learning goals – Upon completion of the training, participants will be able to:

1. Describe common victim and perpetrator characteristics of financial exploitation.

MODULE 12 – NAPSA Core Competencies

FINANCIAL EXPLOITATION – PARTICIPANT’S MANUAL

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

Transfer of Learning: *Ways supervisors can support the transfer of learning from the training room to on the job.*

BEFORE the training

Supervisors can encourage line staff to attend the training and help them identify particular strengths and/or challenges that they have had with financial exploitation cases in the past. Training participants can share these experiences during training.

AFTER the training

Supervisors can read the training executive summary and instructions for out-of-class transfer of learning activity. Supervisor and training participant will then schedule a time to complete the activity together – at this point trainee can share what specific skills they obtained from the training. If further staff involvement is available, trainee may present an overview of what was learned to other staff members to encourage collaboration and a culture of learning.

MODULE 12 – NAPSA Core Competencies

COURSE OUTLINE

Content	Total Time	Activities	Slides/Handouts
Welcome & Overview 9:00am-9:20am	20 min	Introductions, Agenda/Learning Objectives & Evaluation Activity	Slides 1-7
Financial Exploitation Overview 9:20am-9:45am	25 min	Lecture, activity & small/large group discussion	Slides 8-16 Handout 1
Indicators of Financial Abuse 9:45am-10:05am	20 min	Lecture, activity & small/large group discussion	Slides 17-19 Handout 2
BREAK 10:05am-10:20am	15 min.		
Who Are the Alleged Perpetrators? Who Are the Victims? 10:20am-11:00am	40 min.	Lecture, video, activity & large group discussion	Slides 20-28 Handout 3
Mental Capacity and Financial Decision Making 11:00am-11:50am	50 min	Lecture, activity & small/large group discussion	Slides 29-36 Handouts 4-8
LUNCH 11:50am-12:50pm	60 min.		
Undue Influence, Mental Capacity & Financial Exploitation 12:50pm-1:30pm	40 min	Lecture, activity & small/large group discussion	Slides 38-43 Handout 9
APS Investigation: Steps & Following the Money 1:30pm-2:10pm	40 min	Lecture & large group discussion	Slides 44-47 Handout 10
BREAK 2:10pm-2:25pm	15 min.		
APS Investigation: Case Study Activity 2:25pm-3:10pm	45 min	Activity & small/large group discussion	Slide 49

MODULE 12 – NAPSA Core Competencies

FINANCIAL EXPLOITATION – PARTICIPANT’S MANUAL

APS Investigation: Challenges to Investigation and Partners in the Field 3:10pm-3:30pm	20 min	Lecture, activity & small/large group discussion	Slide 50
Financial Exploitation Prevention Efforts 3:30pm-3:45pm	15 min	Lecture	Slides 51-54 Handouts 11-12
Closing & Evaluations 3:45pm-4:00pm	15 min	Closing, Q & A, & evaluations.	Slide 55 Handouts: Evaluations & take-home transfer of learning activity instructions
TOTAL TIME	7 hrs (including 1 hour lunch)		

TRAINING GOALS AND OBJECTIVES

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

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

WELCOME AND OVERVIEW

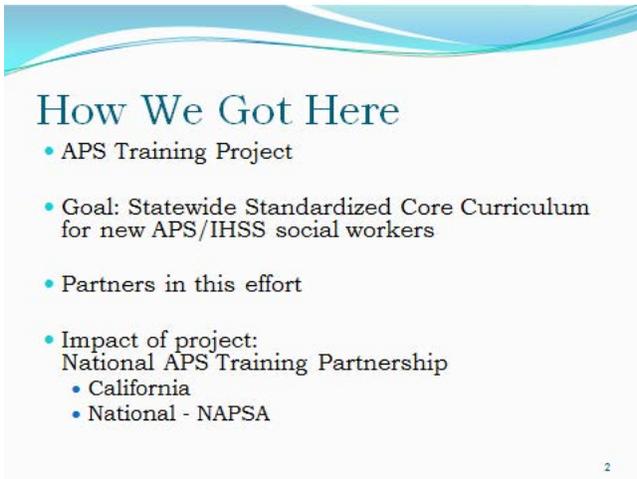


TIME ALLOTTED: 20 minutes

SLIDE 1



SLIDE 2

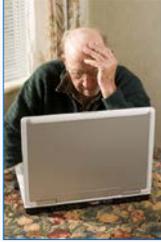


MODULE 12 – NAPSA Core Competencies

SLIDE 3

Why We Are Here

- Trainer
- Participants
- Housekeeping
- Overview of day
- Participant binder



3

SLIDE 4

Training Goal

- The goal of this training is to provide participants with the skills and knowledge necessary to perform quality investigations in response to allegations of financial exploitation.



4

SLIDE 5



Learning Objectives

- By the conclusion of this training, participants will be able to:
 - Describe common victim and perpetrator characteristics of financial exploitation.
 - Identify and discuss at least six (6) indicators of financial exploitation.
 - Define ‘undue influence’ and its impact on decision-making.
 - Identify the components of mental capacity and discuss the intersection between capacity and undue influence in financial exploitation cases.

5

SLIDE 6



Learning Objectives

- By the conclusion of this training, participants will be able to:
 - Discuss the primary components of a financial exploitation investigation and discuss why it’s important to always “follow the money”.
 - Identify the common challenges encountered during a financial exploitation investigation and discuss strategies for overcoming challenges.
 - Discuss two (2) methods used in the prevention of financial exploitation.

6

SLIDE 7



Training Evaluation

- An important component of all APS core trainings
 - How we measure training effectiveness
- Generation of an identification code – Appendix E
 - Used on all evaluation materials
- Out of class activity – Appendix E
 - Enhance learning
 - Reinforce skill acquisition

7



January 2012

Dear Training Participant,

As a training program for the Academy for Professional Excellence at San Diego State University School of Social Work, we have begun a process of evaluating training delivered to Adult Protective Service workers. As part of this evaluation, we need your help.

At certain points during this training series, in addition to the usual workshop evaluation forms, you will be asked to complete various training evaluation activities.

These training evaluation activities have two main purposes:

1. To improve training effectiveness and relevance to your needs in helping you better serve adults and their families; and
2. To determine if the training has been effective in addressing the key learning objectives.

Our goal is to evaluate training, NOT the individuals participating in the training. In order to evaluate how well the training is working, we need to link each person’s assessment data using a code. You will generate the code number using the first three letters of your mother’s maiden name, the first three letters of your mother’s first name, and the numerals for the day you were born. Please put this 8-digit ID code on each of your assessment forms, exactly the same way each time. ID code information will only be used to link demographic data to test data to ensure that the training is working equally well for all participants. Once this link is made, we will only look at class aggregate scores, not individual scores.

Only you will know your ID code refers to you. All individual responses to evaluation exercises are confidential and will only be seen by the Academy’s training program and evaluation staff. Only group averages and percentages will be reported. Individual

MODULE 12 – NAPSA Core Competencies

FINANCIAL EXPLOITATION – PARTICIPANT’S MANUAL

results will not be reported to your employer. Aggregate data may be used for future research to improve training for Adult Protective Service workers.

If you agree to participate, you will fill out questionnaires administered before and after the training. The questionnaires will be coded with your ID code and all responses will be confidential.

There are no foreseeable risks to you from participating. There is also no direct benefit to you. Your responses will contribute to the development of a series of evaluation tools that will be able to accurately assess the effectiveness of adult protective service training. It is hoped that these tools will assist the Academy for Professional Excellence in improving training for adult protective service workers and therefore improve services to adults and families.

Your participation is voluntary and you may withdraw your consent and participation at any time. Participation or non-participation will have no effect on your completion of this training series.

By completing and submitting the questionnaire, you agree to participate. You further agree to permit us to use your anonymous responses in written reports about the training.

Your help with this evaluation process is greatly appreciated. Your feedback will be instrumental in helping to improve adult protective service training for future participants. If you have any questions about the evaluation or how the data you provide will be used, please contact:

James Coloma, MSW
Training & Evaluation Specialist
Academy for Professional Excellence
San Diego State University – School of Social Work
6505 Alvarado Road, Suite 107
San Diego, CA 92120
(619) 594-3219
jcoloma@projects.sdsu.edu

MODULE 12 – NAPSA Core Competencies

FINANCIAL EXPLOITATION – PARTICIPANT’S MANUAL

Trainee ID Code

Date / /
M M D D Y Y

YOUR IDENTIFICATION CODE:

In order for us to track your evaluation responses while maintaining your anonymity, we need to assign you an *identification code*. We would like you to create your own *identification code* by answering the following questions:

1. What are the first three letters of your mother’s *maiden* name?
Example: If your mother’s maiden name was Alice Smith, the first three letters would be: **S M I**. If the name has less than three letters, fill in the letters from the left and add 0 (zero) in the remaining space(s) on the right.

— — —

2. What are the first three letters of your mother’s *First* name?
Example: If your mother’s maiden name was Alice Smith, the first three letters would be: **A L I**. If the name has less than three letters, fill in the letters from the left and add 0 (zero) in the remaining space(s) on the right.

— — —

3. What are the numerals for the DAY you were born?
Example: If you were born on November 29, 1970, the numerals would be **2 9**. If your birth date is the 1st through the 9th, please put 0 (zero) in front of the numeral (example **0 9**).

— — —

Combine these parts to create your own identification code (example: **S M I A L I 2 9**). Please write your identification code in the space at the top right corner of all evaluation materials you receive.

Remember your identification code and write it at the top of every evaluation form provided to you throughout this training.

Financial Exploitation Overview



TIME ALLOTTED: 25 minutes

SLIDE 8

What is Financial Exploitation?



- While the definition of financial exploitation varies among states, the most commonly cited is “illegal or improper use of an elder’s or incapacitated adult’s resources for profit or gain”.

8

SLIDE 9

Legal Definition of Financial Exploitation in California

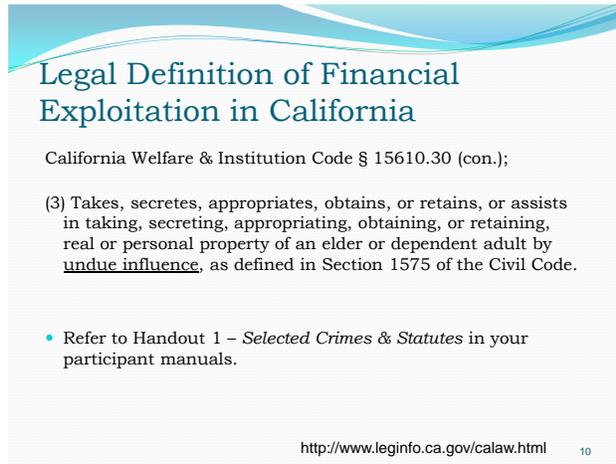
California Welfare & Institution Code § 15610.30;

Financial abuse 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. 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.

9

SLIDE 10



Legal Definition of Financial Exploitation in California

California Welfare & Institution Code § 15610.30 (con.);

(3) Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by undue influence, as defined in Section 1575 of the Civil Code.

- Refer to Handout 1 – *Selected Crimes & Statutes* in your participant manuals.

<http://www.leginfo.ca.gov/calaw.html> 10

Handout 1

Selected Crimes & Statutes Related to Financial Exploitation – CA

This chart provides examples of crimes and statutes that may apply in financial exploitation cases. This document is intended for reference and not every entry will be covered during the training.

For more information on a specific statute, visit www.leginfo.ca.gov; select California Law button; then select the correct Code; then scroll down to desired section.

Crime	Statutes	Type of Crime	Elements
Elder Abuse - Financial	PC 368(d) PC 368(e)	Felony/Misdemeanor	368 (d) Financial abuse by any person, must prove suspect knew victim is an elder. 368(e) Financial abuse by caregiver, do not need to prove suspect knew victim to be an elder
Robbery	PC 211	Felony	Felonious taking of personal property from another; from his/her person or immediate presence; against victim’s will, by force or fear
Burglary	PC 459	Felony	Entering building or structure; with intent to commit theft or any felony
Forgery, False Instruments (includes crimes by notaries)	PC 470, 476	Felony/Misdemeanor	Intent to defraud; signs other’s name, or fictitious name; forges or steals handwriting of another; alters, corrupts, falsifies any record of; makes, alters, forges, counterfeits any bills, notes, checks, contracts
Theft, Grand Theft	PC 484, 487	Felony	Unlawful taking of another’s property; stolen property are valued above \$400
Credit Card Crimes	PC 484d – 484j	Felony	

MODULE 12 – NAPSA Core Competencies

FINANCIAL EXPLOITATION – PARTICIPANT’S MANUAL

Crime	Statutes	Type of Crime	Elements
Petty Theft	PC 488	Felony/Misdemeanor	Unlawful taking of another’s property; stolen property is valued at \$400 or less
Computer Fraud	PC 502	Felony/Misdemeanor	502 (c) Unlawfully/without permission accesses, uses, alters computer for fraud; provides access to computer
False Impersonation	PC 529 PC 529(a) PC 530	Felony	529 False impersonation in private or public 529(a) False birth certificate – manufactures, sells, offers, transfers, knowing it to be false with intent to deceive 530 False impersonation to obtain money or property
Identity Theft	PC 530.5	Felony	Willfully obtains identifying information of another and uses information to obtain credit, goods, services, or medical information in the name of the victim without consent.
Perjury	PC 118, 118(a)	Felony	118(a) Perjury under oath/perjury under “Penalty of Perjury”
Real Estate Fraud	PC 115 PC 484(b) CC 890-893 CC 1695 CC 2945	Felony/Misdemeanor	115 Recordation of a fraudulent document 484(b) Diversion of construction funds 890-893 Rent skimming 1695 Home equity sales contracts 2945 Mortgage foreclosure consultants

MODULE 12 – NAPSA Core Competencies

FINANCIAL EXPLOITATION – PARTICIPANT’S MANUAL

Crime	Statutes	Type of Crime	Elements
Construction	B&P 7027.1 B&P 7028	Felony/Misdemeanor	7027.1 Advertising as a contractor without a license 7028 Unlicensed contractor doing construction

PC = Penal Code, CC = Civil Code, B&P = Business & Professions

Source: Heisler, C, Appendix C – *Communicating Effectively with Law Enforcement and Prosecutors* Participant Manual, 2009.

Svare, T, *Charging and Sentencing Decisions* PowerPoint Presented at CDAA Elder Abuse Symposium, December 2008.

MODULE 12 – NAPSA Core Competencies

SLIDE 11

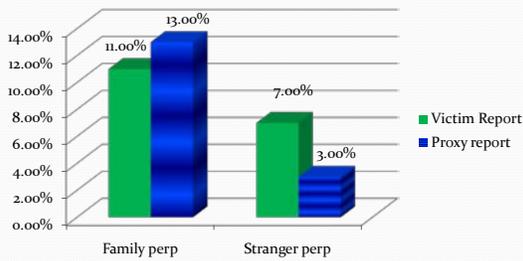
National Trends in Reporting Financial Exploitation

- Recent studies indicate the prevalence of financial exploitation is very high but it is rarely reported. When it is, it is usually reported by someone other than the victim.
- 1 in 20 older adults indicated some form of perceived financial mistreatment by family members occurring at least one time in the recent past.

Nat'l Elder Mistreatment Study 2009 ¹¹

SLIDE 12

Financial Abuse Reports Victim vs. Proxy Reporter

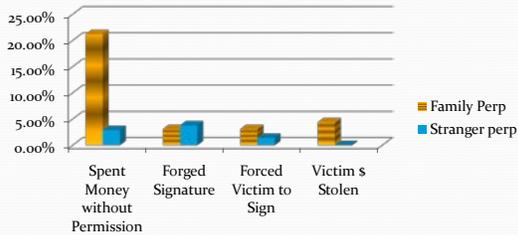


Nat'l Elder Mistreatment Study 2009 ¹²

SLIDE 13

So, How Big is the Problem? How Does it Present Itself?

Prevalence of Financial Abuse



Nat'l Elder Mistreatment Study 2009 ¹³

MODULE 12 – NAPSA Core Competencies

Slide 14

Activity: Barriers to Reporting Abuse

- At your tables, identify a note taker and a spokesperson
- List the many barriers victims face in reporting financial abuse
- You have 3 minutes!



14

SLIDE 15

Barriers to Reporting

- Fear
- Protecting the Abuser
- Social Isolation
- Self-Blame/Denial
- Inability to Report
 - Mental impairments:
 - Physical impairments



15

SLIDE 16

Cultural & Social Aspects of Financial Exploitation

- Societal attitudes
 - Ageism
 - Devaluation & lack of respect
 - It’s a “Family Matter”
- Cultural factors
 - Language barriers
 - Stereotypes
 - Religious beliefs
 - Gender Roles

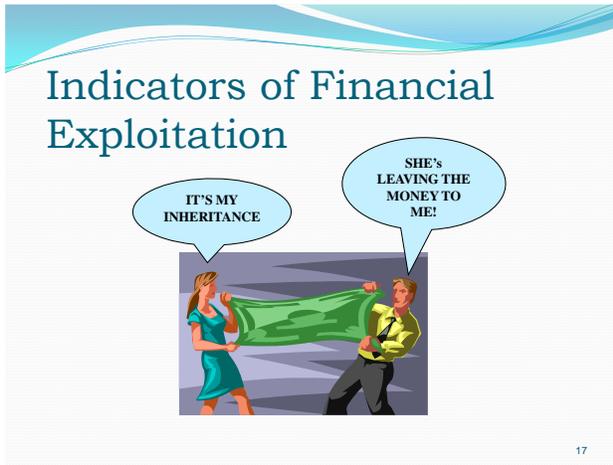
16

INDICATORS OF FINANCIAL EXPLOITATION

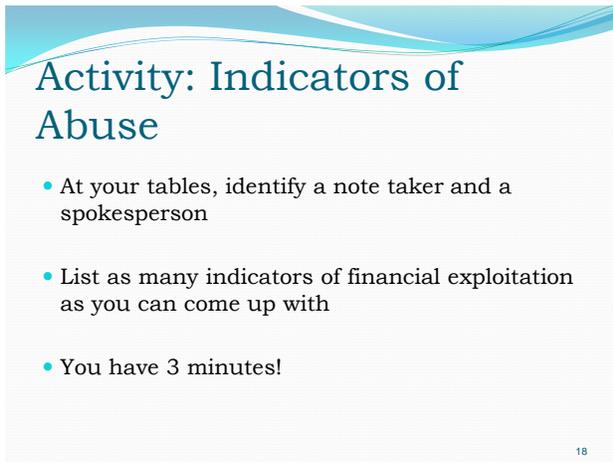


TIME ALLOTTED: 20 minutes

SLIDE 17



SLIDE 18



Who Are the Alleged Perpetrators? Who Are the Victims?



TIME ALLOTTED: 40 minutes

SLIDE 20

Who Are the Alleged Perps?

- Perpetrators tend to be opportunists
- Perpetrators tend to be predators
- Perpetrators may believe they are entitled to take the victim’s assets
- Perpetrators generally fall into two categories:
 - Persons unknown to the victim
 - Persons known to the victim

20

SLIDE 21

Perpetrators Unknown to Victim - Crimes

- Identity Theft
 - Uses personal information to commit theft or fraud
- Sweetheart Swindles & Fortune Telling Schemes
 - Uses loneliness and the perception that something is missing in the victim’s life to exploit
- Predatory Lending
 - Unscrupulous and aggressive lending practices that take advantage of vulnerable borrowers

21

MODULE 12 – NAPSA Core Competencies

SLIDE 22

Perpetrators Unknown to Victim - Crimes

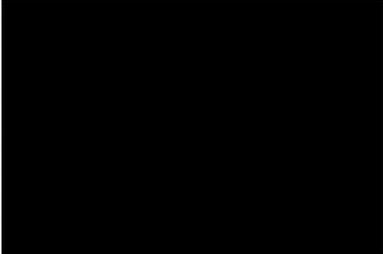
- Sweepstakes/Lottery Scams
 - Must pay taxes/fees up front to collect “winnings”
 - Canadian Lottery
- Confidence Crimes
 - Uses deception to gain another’s confidence
 - Annuity Scams
 - Charity Scams
 - Home Repair Scams
 - Telemarketing Scams



22

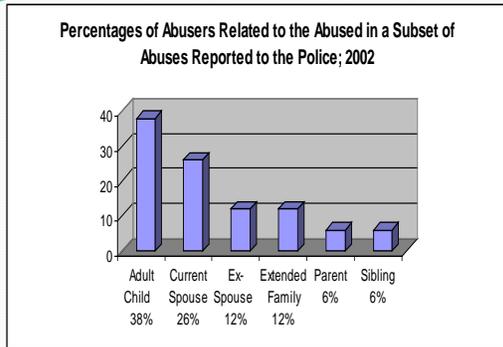
SLIDE 23

Video - *Dialing for Dollars*
US Postal Inspection Service, 2004



23

SLIDE 24



Ontario Network for the Prevention of Elder Abuse 2007 24

SLIDE 25

The Bottom Line...

- Those in a position of power over an elder or dependent adult have the potential to abuse that power
 - Trust
 - Accessibility
 - Dependency



25

SLIDE 26

Activity: Use/Misuse of Influence

- Listen to the following case scenario about Mrs. Doe and her daughter.
- Consider these questions:
 - Is the daughter crossing the line and misusing her influence?
 - In your opinion, when did the daughter cross the line?
 - In your position as an APS worker, where do you have influence over others? Do you ever put pressure on a client or a colleague to act in a certain way or make a “better” decision?

26

Activity 3 Use/Misuse of Influence

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

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

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

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

Questions for participants to consider:

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

SLIDE 27

Who are the Victims?
Victim Characteristics – Handout 3:

- *The Financial Prisoner*
- *The Slipping Elder*
- *The Confused Elder*
- *The Bereaved Widow(er)*
- *The “Unknowing” Elder*

A. Paul Blunt, J.D. 27

Handout #3
Who Are the Victims?

Victim Characteristics:

- ***The Financial Prisoner***
 - The adult who is physically or emotionally dependent on a family member, friend or caregiver may become a "financial prisoner."
- ***The Slipping Elder***
 - This adult may find it increasingly difficult to manage finances, and will turn for help to someone they trust. This adult recognizes there is a change and seeks help while they still have some ability to manage financial matters.
- ***The Confused Elder***
 - The adult who is clearly confused before family or friends become involved. This adult may not recognize changes have occurred and a problem exists.
- ***The Bereaved Widow(er)***
 - These cases involve persons of long marriages whose spouses ran the family finances. This adult may be experiencing profound loss, loneliness and depression.
- ***The “Unknowing” Elder***
 - This adult is not dependent but may not believe a loved one would or could do something like that to them. Or they may be embarrassed, ashamed or protective of the perpetrator. Or they may be unable to recognize or report because they lack the financial expertise (Financial I.Q.) to understand the transactions.

SLIDE 28

Who are the Victims
– Risk Factors?

- Age
- Social isolation
- Extreme dependence and frailty
- Severe mental and/or physical illness
- Female gender
- Low to modest financial resources



28

Mental Capacity and Financial Decision Making



TIME ALLOTTED: 50 minutes

SLIDE 29

Mental Capacity & Financial Decision Making:
Questions to Consider:

- What is capacity?
- What factors can impact capacity?
- What is my role as the APS worker?
 - What do I need to observe and document?
 - Are there screening tools to assist me in the field?
 - Who do I need to work with on the case if capacity is an issue?
- What is consent?

29

SLIDE 30

What is Decisional Capacity?



- Decisional capacity is the ability to adequately process information in order to make a decision based on that information.

Kemp 2005 30

SLIDE 31

Factors that May Affect Mental Capacity

- Illness or Disease
- Treatable Factors
 - Poor Nutrition/Malnutrition
 - Dehydration
 - Depression
 - Medication Interactions
 - Sleep Deprivation
- Time of Day



NCPEA 2003 31

Handout 4
FACTORS AFFECTING DECISIONAL IMPAIRMENT IN APS CLIENTS

CHRONIC PAIN	May become the focus of attention and inhibit the ability to listen. A recent study found a relationship between untreated pain and increased depression among the elderly.
DEHYDRATION	Can cause altered mental status, agitation or lethargy, lightheadedness and confusion. Speech difficulty, sunken eyes, weakness and lethargy are often attributed to other conditions. Severe hot and humid weather can cause dehydration.
DELIRIUM	An acute, <u>reversible</u> disorder. It occurs suddenly, over a short period of time and fluctuates during the day. It may be caused by existing cognitive impairment, severe physical illness, stroke, Parkinson’s disease or dehydration, and can be aggravated by acute pain. Symptoms include changes in the way the patient uses information and makes decisions, inability to focus, and uncharacteristic behavior. The patient reports feeling “mixed up.”
DEMENTIA	Involves a significant, persistent decline in functioning over a period of time. The patient loses memory as well as other cognitive functions such as language, motor activities, ability to recognize familiar stimuli, and/or executive functioning. Accurate diagnosis requires a detailed history as well as physical and neurological examinations.
DEPRESSION	The patient reports feeling sadness, emptiness, detachment, loss of interest in usual activities, sleep disturbances, and/or weight loss. Speech is slowed, diminished or repetitive. Patient may show anxiety or panic. Condition persists for more than two weeks and is not related to situational loss.
DISEASE	Thyroid, diabetes, cancer, Parkinson’s, heart disease, stroke and AIDS may cause diminished capacity as the disease progresses.
GRIEF	Intense grief reaction may result in temporary confusion, dependency, exhaustion and inability to make decisions.
HEARING/VISION LOSS	Can mimic cognitive impairment. Communication difficulties due to sensory or physical impairments are often mistaken for confusion.
LOW BLOOD PRESSURE	Due to medication misuse or error may cause dizziness, weakness and falls resulting in head injury.
LOW IQ	May affect patient’s understanding of choices, risks and benefits.
MALNUTRITION	Protein energy malnutrition and low levels of vitamin D lead to weakness, diminished ability to provide self-care and ultimately to decreased cognition.

FINANCIAL EXPLOITATION – PARTICIPANT’S MANUAL

MEDICATION MISMANAGEMENT	Drug interactions and adverse reactions are common and can be serious. Usually due to patient’s visual or cognitive impairment, inability to afford prescriptions, or functional illiteracy. Medication misuse frequently causes mental impairment. Antibiotics and cardiovascular drugs are the most frequent causes of adverse effects.
PHYSICAL ILLNESS	May result in electrolyte imbalances that cause confusion and prevent rational decision making.
PSYCHOSIS	Difficult to detect. Symptoms include delusions, hallucination, and agitation.
SUBSTANCE ABUSE	Older adults become inebriated with lower levels of alcohol consumption—leads to malnutrition and alcohol dementia.
STRESS/ANXIETY	Anxiety disorder is more prevalent than depression among the elderly. Older women are more at risk than men. May be the result of family violence and Post Traumatic Stress Disorder.
TRAUMATIC BRAIN INJURY	May be the result of physical abuse or a fall. Falls are the most common injury in the elderly due to weakness, environmental hazards, dizziness, alcohol, medications or stroke. A patient with sudden changes in mental status after a fall may have subdural hematoma.
URINARY TRACT INFECTION	Most common infection in the elderly. Can present as acute change in cognitive status. May result in delirium.

Source: Otto, J, *Assessing Adult Protective Services Client’s Decision Making Capacity* – NAPSA Core Module 17, 2007. Module 17 was developed under a grant from the US Administration on Aging (AoA); final AoA approval of these materials is pending.

MODULE 12 – NAPSA Core Competencies

SLIDE 32

Role of APS Worker - CA

- In California, it IS NOT within your scope of practice to determine client mental capacity.
 - Requires capacity evaluation from a licensed physician or psychologist.
- What your role IS –
 - Assess the client’s entire situation
 - Screen for present deficits that may affect cognitive or executive functioning
 - Utilize the expertise of allied partners
 - Document, Document, Document!

32

SLIDE 33

Screening Tools



- Mini-Mental Status Exam (MMSE)
 - Widely used
 - Assesses the elements of cognition
 - Doesn’t address client’s decision-making skills for specific tasks
- Clock Drawing Test
 - Test of parietal lobe dysfunction
 - Provides information about executive functioning and spatial orientation
 - Can be misleading if used as only measure of cognitive function

33

Handout 5

The Mini-Mental State Exam

Patient _____ Examiner _____ Date _____

Maximum	Score	
5	()	Orientation
5	()	What is the (year) (season) (date) (day) (month)? Where are we (state) (country) (town) (hospital) (floor)?
3	()	Registration Name 3 objects: 1 second to say each. Then ask the patient all 3 after you have said them. Give 1 point for each correct answer. Then repeat them until he/she learns all 3. Count trials and record. Trials _____
5	()	Attention and Calculation Serial 7's. 1 point for each correct answer. Stop after 5 answers. Alternatively spell "world" backward.
3	()	Recall Ask for the 3 objects repeated above. Give 1 point for each correct answer.
2	()	Language Name a pencil and watch.
1	()	Repeat the following "No ifs, ands, or buts"
3	()	Follow a 3-stage command: "Take a paper in your hand, fold it in half, and put it on the floor."
1	()	Read and obey the following: CLOSE YOUR EYES
1	()	Write a sentence.
1	()	Copy the design shown.



_____ Total Score
ASSESS level of consciousness along a continuum _____
Alert Drowsy Stupor Coma

"MINI-MENTAL STATE." A PRACTICAL METHOD FOR GRADING THE COGNITIVE STATE OF PATIENTS FOR THE CLINICIAN. *Journal of Psychiatric Research*, 12(3): 189-198, 1975. Used by permission.

	<p><small>A series provided by The Hartford Institute for Geriatric Nursing (hartford.ign@nyu.edu) www.hartfordign.org</small></p>
---	---

Handout 5

Instruction for the MMSE

1. What year is it?
2. What month is it?
3. What is today's date?
4. What day of the week is it?
5. What season is it?
6. What building are we in?
7. What floor are we on?
8. What city are we in?
9. What state are we in?
10. What country are we in?

Please repeat the following three objects:

- ❖ Apple
- ❖ Penny
- ❖ Table

(If necessary, repeat the three objects until the client is able to name all three) I want you to remember these three objects and I will ask you in a little while to tell me again what these three items are.

Starting from 100, have the client subtract 7's from the remainder (up to 5 times). Do not give the client the answers.
(Answers: 93,86,79,72,65).

If the client will not or cannot do the subtraction exercise, ask the client to spell "WORLD" backward. (Answer "DLROW")

Ask the client to tell you what the three objects were that you wanted them to remember.

-
- ❖ Please tell me what this is? (Show them a pen)
 - ❖ Please tell me what this is? (Show them a watch)
 - ❖ Please repeat the following: "No if's and's or but's"

Find out what hand the client writes with. Then ask the client to do the following:

- ❖ Take the paper in the hand they do not write with, fold it in half and place it on the floor.
- ❖ Please read this sentence and do what it says.
- ❖ Please write a sentence.

Please copy this design.

Handout #6 Clock Drawing Test

This is a simple test that can be used as a part of a neurological test or as a screening tool for Alzheimer's and other types of dementia.

The person undergoing testing is asked to:

1. Draw a clock
2. Put in all the numbers
3. Set the hands at ten past eleven.

Scoring system for Clock Drawing Test (CDT)

There are a number of scoring systems for this test. The Alzheimer's disease cooperative scoring system is based on a score of five points:

- 1 point for the clock circle
- 1 point for all the numbers being in the correct order
- 1 point for the numbers being in the proper special order
- 1 point for the two hands of the clock
- 1 point for the correct time.

A normal score is four or five points.

Test results

The test can provide information about general cognitive and adaptive functioning such as memory, how people are able to process information and vision. A normal clock drawing almost always predicts that a person's cognitive abilities are within normal limits.

The Clock Drawing Test does offer specific clues about the area of change or damage.

Research varies on the ability of the Clock Drawing test to differentiate between, for example, vascular dementia and Alzheimer's disease.

From Christine Kennard,
Your Guide to Alzheimer's Disease.

<http://alzheimers.about.com/od/diagnosisissues/a/clocktest.htm>

SLIDE 34

Screening Tools



- Paradise-2
 - 15 questions on behaviors and cognitive functions
 - May be used by non-medical professionals
 - Questions correspond to brain functions
 - Interpretation is subjective
- St. Louis University Mental Status Exam (SLUMS)
 - Evaluates the same elements as the MMSE and Clock Test
 - Quicker administration
 - Better assessment of mild cognitive impairment

34

FINANCIAL EXPLOITATION – PARTICIPANT’S MANUAL

Handout 7

Administrative Offices

5425 East Broadway, PMB #358
Tucson, Arizona • 85711
Tel: 520-750-8868
Fax: 520-584-9220
Email: bennettblum@aol.com
Web: www.bennettblummd.com

Bennett Blum, M.D., Inc.

Forensic and Geriatric Psychiatry Consultation

PARADISE-2: Summary of Use

PARADISE-2 is a review of 16 behaviors and cognitive functions. Each component is described in lay terms, and so may be assessed by non-medical professionals; however, each also corresponds to well-known brain functions. The 16 components are listed below:

PARADISE-2 Protocol of Functional Mental Capacity (Blum, 2002, 2005, 2006)

Past behavior	Pertinent parties
Abstract concepts	Alertness - problems
Remember information	Responsibilities
Alternatives – considered	Attention - problems
Delusions	Decision making abilities
Illness	Impact
Strategic thinking	Significance
Emotional factors	Express desires

Evaluation is performed for each decision, or period of time, in question. After obtaining information from sources (ideally, from multiple sources), list which of these abilities fall under the headings "clear impairment," "no impairment," "conflicting information," or "insufficient information." When completed, PARADISE-2 provides a detailed behavioral description that clarifies matters in legal settings, and may be used to guide further medical evaluation. This analysis requires significantly more information and time than is usually available in outpatient settings; however, US and international courts have found this method to be of greater assistance than traditional medical assessments.

PARADISE-2 is used internationally, and is the partial basis for new international legal precedent and standard for evaluating certain types of competency.

MODULE 12 – NAPSA Core Competencies

FINANCIAL EXPLOITATION – PARTICIPANT’S MANUAL

Handout 7

Administrative Offices

5425 East Broadway, PMB #358
Tucson, Arizona • 85711
Tel: 520-750-8868
Fax: 520-584-9220
Email: bennettblum@aol.com
Web: www.bennettblummd.com

Bennett Blum, M.D., Inc.
Forensic and Geriatric Psychiatry Consultation

Evaluating Mental Capacity - PARADISE-2 Model of Mental Capacity (Blum 2002-2006)

Past behavior	Pertinent parties
Abstract concepts	Alertness
Remember information	Responsibilities
Alternatives – considered	Attention
Delusions	Decision making abilities
Illness	Impact
Strategic thinking	Significance
Emotional factors	Express desires

Questions to Consider

1. How does the current behavior compare with past behavior?
2. Did the person understand the abstract concepts (ex. what is a will, avoiding detection and capture)?
3. Are there concerns about memory?
4. Are/were alternatives known and considered?
5. Were the decisions free from delusions?
6. What were the effects of co-existing illness, medications, toxic substances, etc.?
7. Did the person engage in or display strategic thinking and analysis?
8. What were the relevant emotional factors affecting the decision, if any?
9. Did the person know the pertinent parties?
10. Were there concerns about the person's degree of alertness (i.e. consciousness) or attention when information was presented, or when executing the decision?
11. Did the person know his/her responsibilities and the responsibilities of the other involved parties?
12. Did the person have difficulty making or maintaining decisions?
13. Did the person understand the impact of the decision (i.e. the likely objective outcome) or behavior?
14. What is the significance of the decision (i.e. the subjective evaluation of the likely outcome)?
15. Did the person have difficulties expressing desires?

MODULE 12 – NAPSA Core Competencies

VAMC SLUMS Examination

Handout 8

Questions about this assessment tool? E-mail aging@slu.edu.

Name _____ Age _____
Is patient alert? _____ Level of education _____

____/1
____/1
____/1

____/3
____/3
____/5

____/2

____/4
____/2

____/8

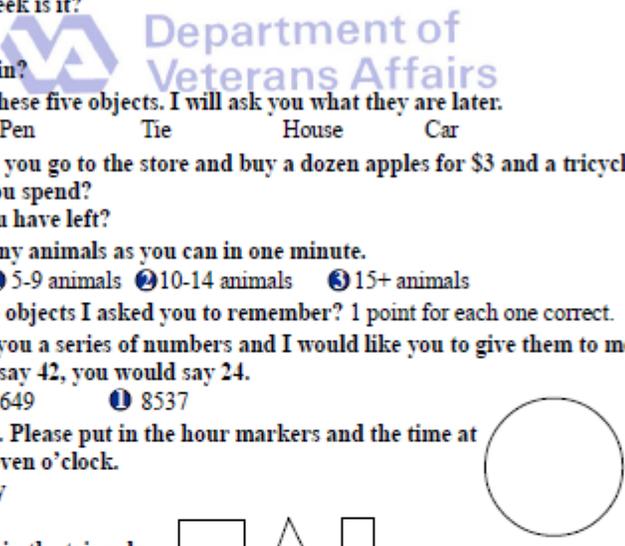
1. What day of the week is it?
2. What is the year?
3. What state are we in?
4. Please remember these five objects. I will ask you what they are later.
Apple Pen Tie House Car
5. You have \$100 and you go to the store and buy a dozen apples for \$3 and a tricycle for \$20.
 - 1 How much did you spend?
 - 2 How much do you have left?
6. Please name as many animals as you can in one minute.
 - 1 0-4 animals
 - 2 5-9 animals
 - 3 10-14 animals
 - 4 15+ animals
7. What were the five objects I asked you to remember? 1 point for each one correct.
8. I am going to give you a series of numbers and I would like you to give them to me backwards.
For example, if I say 42, you would say 24.
 - 1 87
 - 2 649
 - 3 8537
9. This is a clock face. Please put in the hour markers and the time at ten minutes to eleven o'clock.
 - 1 Hour markers okay
 - 2 Time correct
10. Please place an X in the triangle.

X

X

X

 - 1 Which of the above figures is largest?
11. I am going to tell you a story. Please listen carefully because afterwards, I'm going to ask you some questions about it.
Jill was a very successful stockbroker. She made a lot of money on the stock market. She then met Jack, a devastatingly handsome man. She married him and had three children. They lived in Chicago. She then stopped work and stayed at home to bring up her children. When they were teenagers, she went back to work. She and Jack lived happily ever after.
 - 1 What was the female's name?
 - 2 What work did she do?
 - 3 When did she go back to work?
 - 4 What state did she live in?



TOTAL SCORE _____



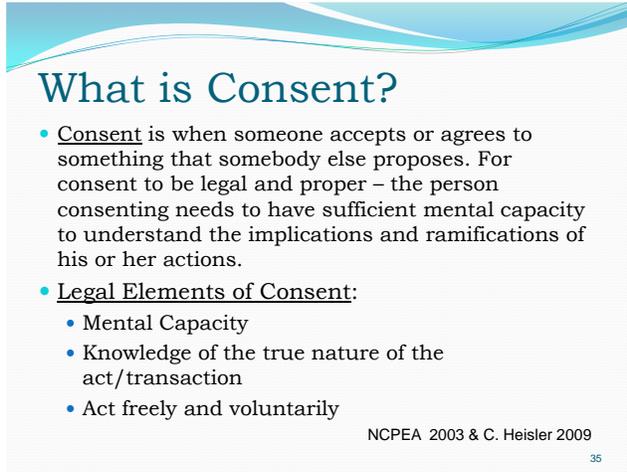
SAINT LOUIS
UNIVERSITY

SCORING		
HIGH SCHOOL EDUCATION		LESS THAN HIGH SCHOOL EDUCATION
27-30	Normal	25-30
21-26	MNCD*	20-24
1-20	Dementia	1-19

* Mild Neurocognitive Disorder

SH Tariq, N Tumosa, JT Chibnall, HM Perry III, and JE Morley. The Saint Louis University Mental Status (SLUMS) Examination for Detecting Mild Cognitive Impairment and Dementia is more sensitive than the Mini-Mental Status Examination (MMSE) - A pilot study. J Am Geriatr Psych (in press).

SLIDE 35



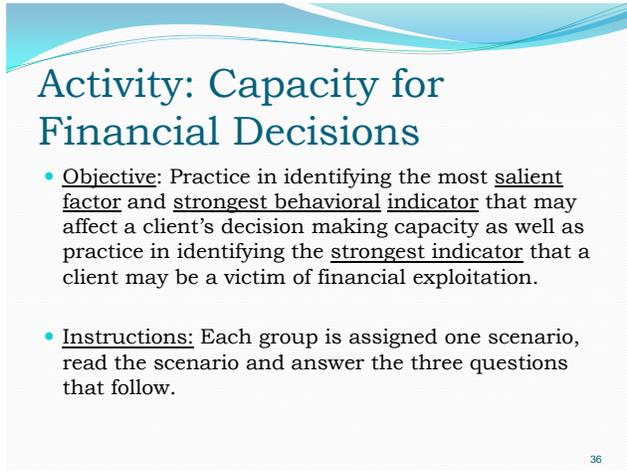
What is Consent?

- Consent is when someone accepts or agrees to something that somebody else proposes. For consent to be legal and proper – the person consenting needs to have sufficient mental capacity to understand the implications and ramifications of his or her actions.
- Legal Elements of Consent:
 - Mental Capacity
 - Knowledge of the true nature of the act/transaction
 - Act freely and voluntarily

NCPEA 2003 & C. Heisler 2009

35

SLIDE 36



Activity: Capacity for Financial Decisions

- Objective: Practice in identifying the most salient factor and strongest behavioral indicator that may affect a client’s decision making capacity as well as practice in identifying the strongest indicator that a client may be a victim of financial exploitation.
- Instructions: Each group is assigned one scenario, read the scenario and answer the three questions that follow.

36

Activity 4 Capacity For Financial Decisions

Objective: *Practice in identifying the most salient factor and strongest behavioral indicator that may affect a client’s decision making capacity as well as practice in identifying the strongest indicator that a client may be a victim of financial exploitation.*

Instructions:

You are the APS Worker assigned to the following case - read the scenario and answer the three questions that follow.

Sample Case:

Client is an 80 year-old man with no known relatives. He lives alone in a small apartment in a dangerous neighborhood. The client is insulin-dependent, increasingly confused, with worsening eyesight, and urinary incontinence. He started drinking heavily 10 years ago after his wife died and his neighbors have reported finding him passed out in the hallway in his robe with his wallet hanging out and opened. Neighbors reported they noticed a younger woman hanging out at the client’s apartment. When asked, the client said he has a “new love” and that “she does everything, even buys me my favorite whiskey.” The client started receiving collection notices for unpaid bills which he ignored and the last time he tried to use his ATM card, it was declined.

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

Answer - Uncontrolled or unmonitored diabetes and alcoholism – he may not be able to understand consequences of decisions.

Question 2 - Identify the strongest behavioral indicator that the client may not be able to make financial decisions for himself.

Answer - Ignoring collection notices for unpaid bills.

Question 3 - Identify the strongest indicator that the client may be being financially exploited by the younger woman.

Answer - New love who is hanging around and who buys his alcohol coupled with change in finances – collections notices, ATM declined.

Case Scenario 1

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

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

Question 2 – Identify the strongest behavioral indicator that the client may not be able to make financial decisions for herself.

Questions 3 – Identify the strongest indicator that the client may be being financially exploited by her daughter.

Case Scenario 2

Client is a 32-year-old female with mild-moderate mental retardation. She has lived in a group home most of her life, but recently her sister took her home to live with her and became her rep payee. The sister has a history of substance abuse and was recently put on unpaid leave from her job. The sister is verbally abusive and neglectful in her supervision. Client needs prompting to perform her ADL’s and IADL’s, and will only eat candy unless prompted otherwise. Client states she eats candy because that’s all she can find in the kitchen and she’s hungry. Client refuses to leave her sister, stating that she loves her very much and does not ever want to live in a group home again. Client states her sister told her to not tell anyone about the money game.

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

Question 2 – Identify the strongest behavioral indicator that the client may not be able to make financial decisions for herself.

Questions 3 – Identify the strongest indicator that the client may be being financially exploited by her sister.

Case Scenario 3

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

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

Question 2 – Identify the strongest behavioral indicator that the client may not be able to make financial decisions for herself.

Questions 3 – Identify the strongest indicator that the client may be being financially exploited by the young woman.

Case Scenario 4

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

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

Question 2 – Identify the strongest behavioral indicator that the client may not be able to make financial decisions for himself.

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

Activity adapted from the Texas APS - "APS In-Home Basic Skills Development" module – NAPSA Training Library curriculum #144.

Slide 37



LUNCH BREAK

Lunch Break – 60 minutes, please return on time

Undue Influence, Mental Capacity & Financial Exploitation



TIME ALLOTTED: 40 minutes

SLIDE 38

Undue Influence

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

Black’s Law Dictionary

37

SLIDE 39

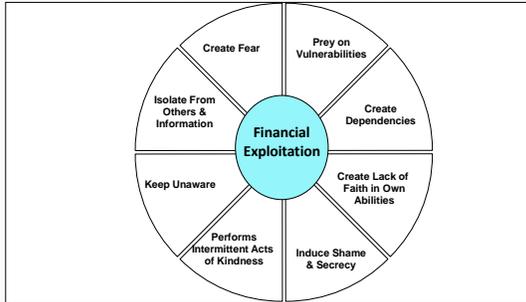
UI – How Does It Work

- The victim and exploiter are often in an ongoing relationship
- Exploiters may target and groom their victims
- Exploiters are generally subtle in their exploitation of their victims
- Exploiters are often charming manipulators
- Exploiters justify their actions through various excuses
- Victims often appear as willing participants

38

SLIDE 40

Activity: Undue Influence Wheel



Adapted from Candace Heisler 2009 40

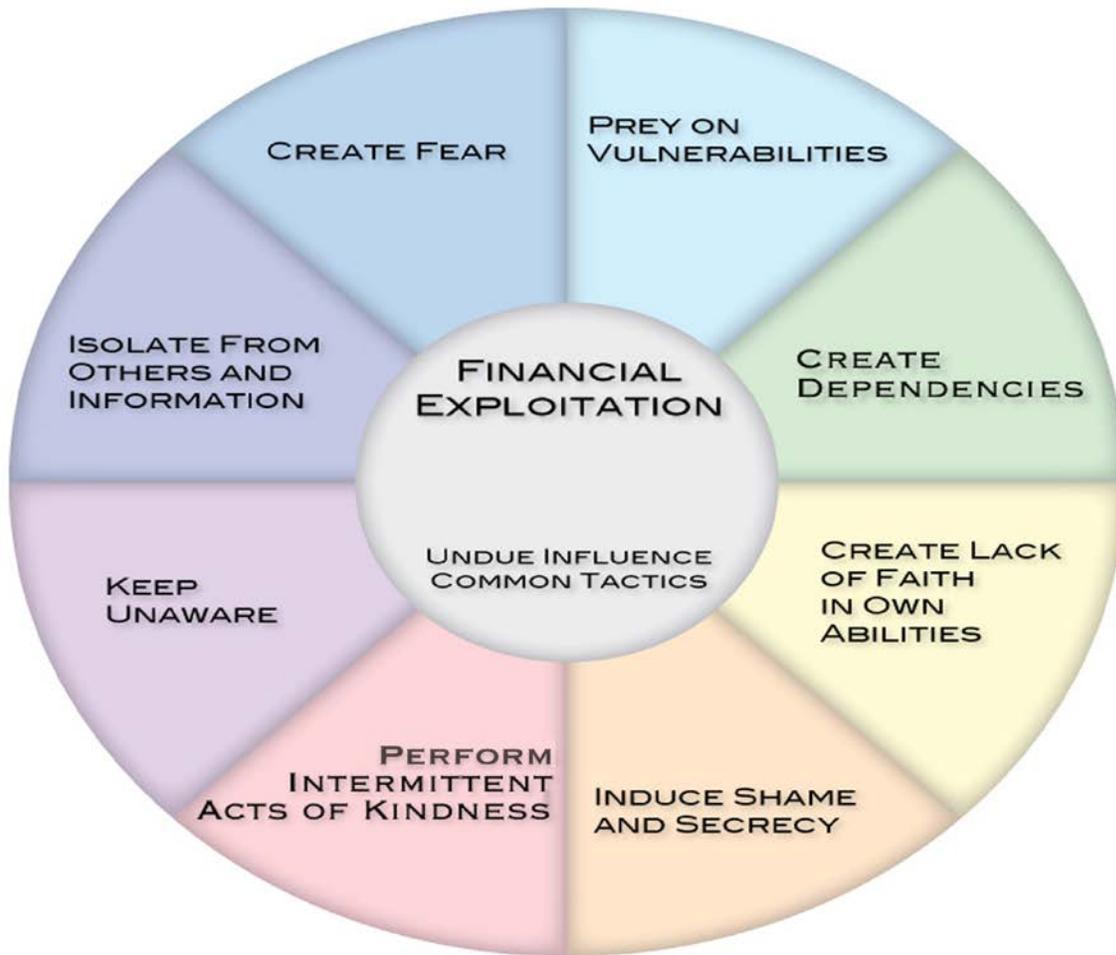
Activity 5 Undue Influence Wheel Exercise

Instructions:

1. Divide into table groups and identify a note taker and someone to report back to the group.
2. Turn over your 3x5 cards and list as many examples of behaviors your group can think of for each category.
3. You have 3-5 minutes.
4. Large group process of answers.

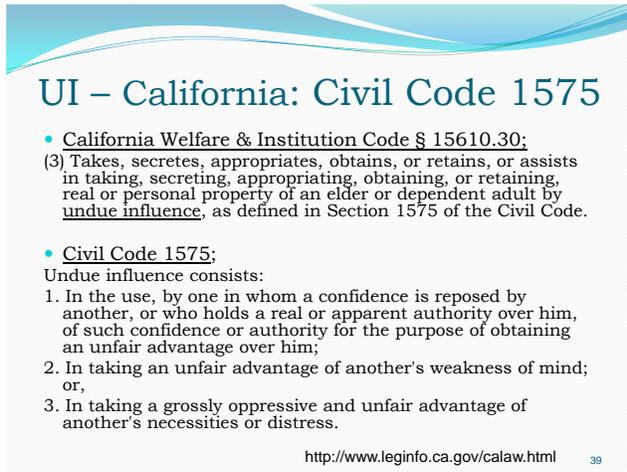
A Few Reminders:

- You have a copy of the Undue Influence Wheel handout on the next page for future reference.
- The tactics you identified are often used to gain/maintain power and control in the relationship.
- Often the tactics are used in combination so if you suspect one tactic, look for signs of others.
- These tactics represent the types of abuse, neglect and exploitation that should raise questions or red flags if we see them being used against an older person who may be a friend, family member, community member, or client.
- Seeing signs of abuse does not guarantee that abuse is occurring, but should raise our suspicion and may require further investigation and action.



COPYRIGHT © 2006 YWCA OMAHA, NEBRASKA

SLIDE 41



UI – California: Civil Code 1575

- California Welfare & Institution Code § 15610.30;

(3) Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by undue influence, as defined in Section 1575 of the Civil Code.

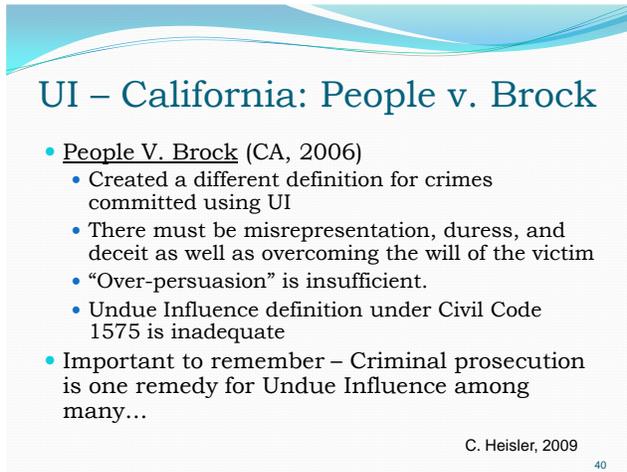
- Civil Code 1575;

Undue influence consists:

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.

<http://www.leginfo.ca.gov/calaw.html> 39

SLIDE 42



UI – California: People v. Brock

- People V. Brock (CA, 2006)
 - Created a different definition for crimes committed using UI
 - There must be misrepresentation, duress, and deceit as well as overcoming the will of the victim
 - “Over-persuasion” is insufficient.
 - Undue Influence definition under Civil Code 1575 is inadequate
- Important to remember – Criminal prosecution is one remedy for Undue Influence among many...

C. Heisler, 2009 40

Handout 9
Undue Influence Statutes & Standards – CA

Welfare & Institutions Code 15610.30:

Financial abuse of an elder or dependent adult occurs when a person or entity does any of the following:

- (1) Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.*
- (2) Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.*
- (3) Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by **undue influence**, as defined in Section 1575 of the Civil Code.*

Civil Code 1575:

Undue influence consists:

- 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.*

People v. Brock (CA, 2006):

- Criminal court case which created a different definition for crimes committed using Undue Influence.

The basic standards set by People v. Brock are:

- There must be misrepresentation, duress, and deceit as well as overcoming the will of the victim
- “Over-persuasion” is insufficient.
- Undue Influence definition under Civil Code 1575 is inadequate

CONTINUE

FINANCIAL EXPLOITATION – PARTICIPANT’S MANUAL

People v. Brock only addresses criminal law based on Undue Influence. There are other remedies that can be sought outside of criminal prosecution in Undue Influence cases.

Additional Resources:

Brandl, B., Heisler, C. Stiegel, L. Undue Influence: The Criminal Justice Response, may be downloaded from <http://www.ncall.us/resources.html>, or purchased for \$5.00 from the National Clearinghouse on Abuse in Later Life at (608) 255-0539.

People v. Brock (2007) 143 Cal. App.4th 1266.

For more information on a specific statute, visit www.leginfo.ca.gov; select California Law button; then select the correct Code; then scroll down to desired section.

Sources: www.leginfo.ca.gov

Heisler, C. *Communicating Effectively with Law Enforcement and Prosecutors* Participant Manual and PowerPoint, 2009.

SLIDE 43

Mental Capacity vs. Undue Influence



- Undue influence may exist without mental impairment
- Mental impairment may exist without undue influence
- Both address the issue of vulnerability

48

APS Investigation: Steps & Following the Money



TIME ALLOTTED: 40 minutes

SLIDE 44

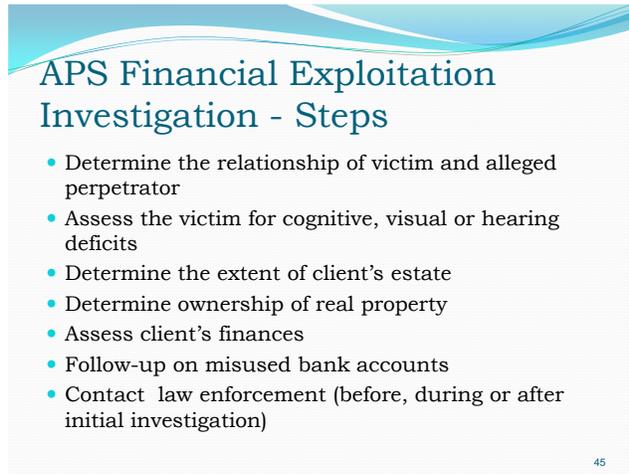
Mrs. Roosevelt

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

44

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

SLIDE 45



APS Financial Exploitation Investigation - Steps

- Determine the relationship of victim and alleged perpetrator
- Assess the victim for cognitive, visual or hearing deficits
- Determine the extent of client’s estate
- Determine ownership of real property
- Assess client’s finances
- Follow-up on misused bank accounts
- Contact law enforcement (before, during or after initial investigation)

45

Handout 10 APS Financial Abuse Investigation Checklist

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

- Interview victims and alleged abusers separately.

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

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

(Check all that apply) The alleged perpetrator is:

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

II. Cognitive and other deficits

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

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

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

FINANCIAL EXPLOITATION – PARTICIPANT’S MANUAL

(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

MODULE 12 – NAPSA Core Competencies

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

FINANCIAL EXPLOITATION – PARTICIPANT’S MANUAL

- 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

MODULE 12 – NAPSA Core Competencies

FINANCIAL EXPLOITATION – PARTICIPANT’S MANUAL

will be investigated. The police, FBI, postal inspectors and secret service may get involved at this point.

VII. Contact Law Enforcement

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

Client Name _____ *Case No.* _____

Worker Name _____ *Date* _____

Recommendations:

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

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

MODULE 12 – NAPSA Core Competencies

SLIDE 46

Follow the Money!

Important to always follow the money and ask:

- WHO?
- WHAT?
- WHEN?
- WHERE?
- WHY?
 - IMPORTANT - Don't focus on suspect's motivation but focus on questions to clarify and assist the investigation.
- HOW?

46

SLIDE 47

What do I do now?

- Financial exploitation is confirmed:
 - Contact law enforcement to cross-report (if you have not already done so or if there's an update)
 - If person has capacity, options?
 - If person lacks capacity, options?
- Regardless, your #1 task is working to get the client safe.

47

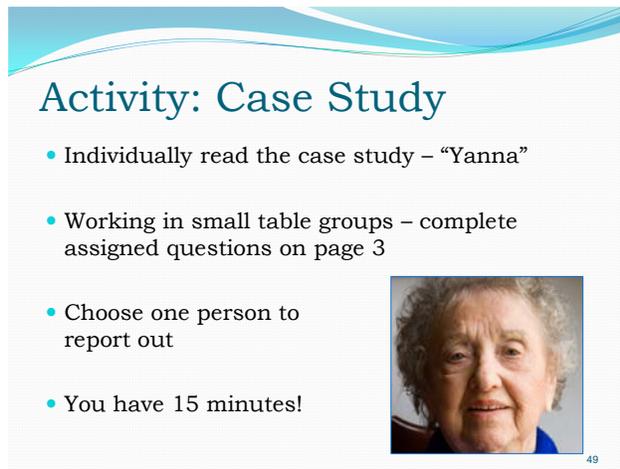
BREAK
15 minutes

Activity: Case Study



TIME ALLOTTED: 45 minutes

SLIDE 49



Activity: Case Study

- Individually read the case study – “Yanna”
- Working in small table groups – complete assigned questions on page 3
- Choose one person to report out
- You have 15 minutes!



49

Activity 6 APS Investigation: Case Study

Instructions:

1. Individually read the case study – “Yanna”
2. Working in small table groups, complete assigned questions.
3. Choose a note taker and one person to report out to the group.
4. You have 15 minutes!



case study – “Yanna”

A next door neighbor of an 86 year old woman named Yanna, who lives in a small coastal town, was concerned about some of the her recent actions and called APS. The neighbor stated that she was not a close friend, but she always talked to her when she was sitting on her outside porch enjoying the afternoon sun and her hummingbird feeder. She stated both the appearance and demeanor of Yanna has changed in the past month. She stated that it was probably nothing, but, for the sake of her conscience, she wanted to “talk to some experts” and “get her concerns on the record”.

Yanna is a recent widow after a 61 year marriage. She was born in Romania and has lived in the US for the past 60 years after she was married. Her accent is heavy, but Yanna loves to talk about the art in Prague, her life as a model, and growing up before WW II. She always wore very elegant clothes and was dressed everyday in wools and tweeds on her dog walks. Also, she tended magnificent rose bushes that were the talk of the neighborhood. But, now things have changed.

FINANCIAL EXPLOITATION – PARTICIPANT’S MANUAL

The neighbor reported that Yanna now seems to be withdrawn and rarely smiles or waves when she passes. She appears to be confused at times and rarely mentions her love of art, her childhood, or her life. Instead, Yanna appears disheveled in her dress and her patio has become piled up with furniture. Lately, the neighbor has noticed a truck parked in her dirt lane that says “Coast Construction” and a man has been going up a ladder and on the roof of her house. Once, he was actually sitting on the porch with Yanna and neither party even acknowledged the neighbor as she passed on her daily walk. The neighbor stated that she remembered the roof on Yanna’s house had been replaced only 5 years ago and seemed to be in good condition.

Out of concern, the neighbor stated she approached Yanna and engaged her in conversation about her roof and the individual that she had seen walking around on it. Yanna said that the man had called out of concern and told her that her roofing materials were inferior and he was willing to give her a bargain replacement roof or see if he could fix the “inferior” roof with a new sealant product. Yanna muttered that she “only had the best” when she was a kid and she intended to have the best now. Yanna began rambling about maybe installing an alarm system to “protect me from the possible invasion of our town by aliens”. Also, Yanna asked the neighbor to leave her alone because “she wanted her privacy”.

The neighbor told her daughter, who is an Emergency Medical Technician (EMT), about Yanna and her concerns and the daughter agreed to visit Yanna with her the next week. The neighbor stated Yanna opened the door and asked for identification. She stated that she did not understand why anyone would want to ask her such questions about “her business” and told the neighbor and her daughter to leave immediately or she would call her son who had “some kind of power of an attorney” and he would “get rid of you” just like he helps me with those “people at the bank who want to steal this house from me”.

The daughter noticed some letters from the bank on a nearby mail center and asked Yanna “what do you mean” steal your house? Yanna grabbed a letter from the pile and shook it in her face yelling, “My son pays these people every month after my husband re-mortgaged my house without my permission, but they are still going to steal my house. I don’t write many checks anymore, but when I went with the construction man to pay for my roof, there was hardly any money in my checking account. The bank is stealing my house and they have hidden my money! Who can you trust anymore?”

The neighbor stated that they left Yanna who was visibly upset and shaken and called APS immediately.

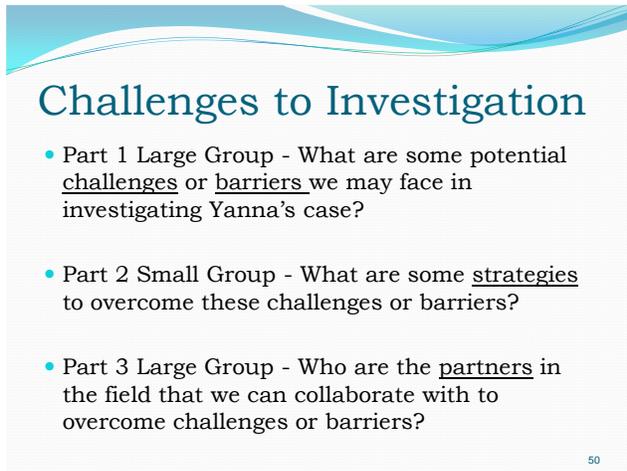
MODULE 12 – NAPSA Core Competencies

APS Investigation: Challenges to Investigation & Partners in the Field



TIME ALLOTTED: 20 minutes

SLIDE 50



Challenges to Investigation

- Part 1 Large Group - What are some potential challenges or barriers we may face in investigating Yanna’s case?
- Part 2 Small Group - What are some strategies to overcome these challenges or barriers?
- Part 3 Large Group - Who are the partners in the field that we can collaborate with to overcome challenges or barriers?

50

Financial Exploitation Prevention Efforts



TIME ALLOTTED: 15 minutes

SLIDE 51

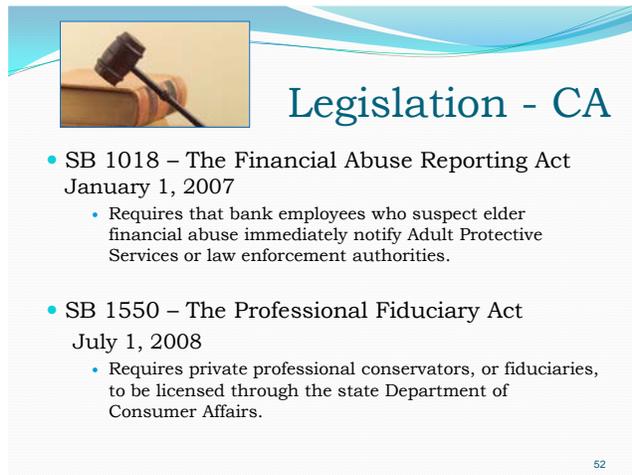


Prevention Methods

- Legislation
- Mandated reporter education and training
- Education/Empowerment programs for seniors and dependent adults
- Public education and awareness

51

SLIDE 52



Legislation - CA

- SB 1018 – The Financial Abuse Reporting Act
January 1, 2007
 - Requires that bank employees who suspect elder financial abuse immediately notify Adult Protective Services or law enforcement authorities.
- SB 1550 – The Professional Fiduciary Act
July 1, 2008
 - Requires private professional conservators, or fiduciaries, to be licensed through the state Department of Consumer Affairs.

52

SLIDE 53

Education & Training - CA

- Training for mandated reporters:
 - Roles and responsibilities
 - Indicators of financial exploitation
 - Issues of “liability”
- Training for non-mandated reporters who are important gatekeepers:
 - CPA’s
 - Notaries
 - Financial Planners



53

SLIDE 54

Education & Empowerment

- C.A.S.E. – Communities Against Senior Exploitation
 - Power Against Fraud!
 - Implemented in San Joaquin and Contra Costa counties
- C.A.R.E. – Curtailing Abuse Related to the Elderly
 - Riverside County
 - <http://dpss.co.riverside.ca.us/AdultServices.aspx>
- Elder PEACE – Prevention, Education, Advocacy, Collaboration
 - UC Irvine Center for Excellence in Abuse and Neglect
 - www.centeronelderabuse.org

54



HANDOUT 11

TEST YOUR ‘FRAUD IQ’

TRUE OR FALSE?

- 1. The top ways identity thieves get your information is through purse snatching, mail theft, dumpster diving, and e-mail/phone “phishing.”***
- 2. You should always carry your Social Security card with you.***
- 3. You have the right to get a free credit report once a year.***
- 4. Investing in credit card protection is a smart move.***
- 5. Once you have subscribed to the National DO NOT CALL Registry, you don’t have to worry about telemarketers anymore.***
- 6. Older adults are deliberately targeted for telemarketing fraud.***
- 7. There is not a law that requires charities to spend a certain percentage of their income on programs and services.***
- 8. Telephone solicitations on behalf of police or firefighters must give some of the money raised to a city police or fire department.***
- 9. Foreign lotteries are illegal in the U.S.***

10. *The only proven way to protect yourself from telemarketing fraud is to hang up.*
11. *Buying magazines or other products improves your chances of winning sweepstakes and contests.*
12. *As long as you don’t buy any magazines or send any money, playing sweepstakes is harmless entertainment.*
13. *Work-at-home ads, like stuffing envelopes, offer a legitimate way to make money.*
14. *There are legitimate companies who 1) offer loans for an advance fee, or 2) can help you clean up your credit for a fee.*
15. *Two red flags when hiring a contractor are: 1) the contractor is soliciting door-to-door, and 2) the contractor requires substantial payment in advance of starting any work.*
16. *If you’re happy with your roofing job, it’s okay to go ahead and make a final payment.*
17. *If a uniformed utility employee appears at your door to conduct an inspection, shows a badge and ID, it’s safe to invite him in.*
18. *Once signed, legal contracts like Quit Claim Deeds can be very difficult or impossible to reverse.*
19. *Most investment fraud is perpetrated by long term, trusted advisors.*

20. ***If you have a trusted family member, a financial advisor, or someone with your Power of Attorney who is paying your bills and managing your money, it is critical that you or others review your account statements.***

FRAUD QUIZ ANSWERS

1. **TRUE** ID thieves are everywhere – even faith communities - to steal purses and the checkbooks, credit cards and other info they find inside. They are also looking for checks, credit card ‘convenience checks’, pre-approved credit card applications, and statements in your mail box. They rummage through trash looking for info containing account numbers. And they contact you through “phishy” e-mails or phone calls asking you to verify account numbers by impersonating your bank, credit card company, etc.
2. **FALSE** It’s a good idea to have nothing in your purse or wallet that contains your Social Security number. An identity thief can apply for and receive credit and/or secure a job under your Social Security number.
3. **TRUE** You have the right to get a free copy of your credit report each year from each of the three major credit bureaus. Your report can have a dramatic impact on your financial stability. Aside from paying your bills on time, the single most important thing you can do to ensure you have good credit is to be aware of the contents of your credit report.
4. **FALSE** Telemarketers may trick you into thinking you need credit card protection for a \$250-\$500 annual fee (that they’ll be happy to charge to your credit card!) You are protected by the Fair Credit Billing Act which says as long as you report and verify fraudulent charges within 60 days of the date of your credit card statement, the most for which you will be held responsible is \$50. Save money and review your mailed credit card statements promptly – or online every week.
5. **FALSE** Although consumers who have subscribed to the National DO NOT CALL Registry have reported a decrease in calls, there are exemptions, including non-profit/charitable organizations, politicians, and those with whom you have an established business relationship, such as phone companies. The DO NOT CALL Registry will not stop crooks. To protect yourself, simply do not talk to strangers!

FINANCIAL EXPLOITATION – PARTICIPANT’S MANUAL

6. TRUE Unscrupulous telemarketers know many older adults can be manipulated due to characteristics shared by most victims. They may be lonely, alone or independent to a fault; they do not seek advice from others and keep the phone calls ‘our secret.’ They may be overly trusting and willing to believe the telemarketer is telling the truth. They may believe they need more money or would like to have a higher retirement income. They may have some memory loss or dementia. They may be timid and afraid of the consequences if they don’t do what the telemarketer tells them to do. The phone is a telemarketing crook’s weapon – don’t be a target. Hang up!
7. TRUE It is the donor’s responsibility to determine how his or her donations are used. Ask charities for a copy of their annual report and contact the Better Business Bureau’s Wise Giving Alliance at www.give.org or contact your local Better Business Bureau.
8. FALSE Most of the money raised on behalf of police or fire unions or fraternal organizations goes to the telemarketers and the professional fundraisers for whom they work. Very little – if any – goes to a community police or fire department or for direct police or fire services.
9. TRUE Federal law prohibits mailing payments to purchase any ticket, share or chance in any foreign lottery. Canadian and other foreign crooks have conned thousands of older Americans into sending millions in payments for “taxes” on phony Canadian, Jamaican, Australian, etc. lottery winnings.
10. TRUE If the caller is not a friend, relative, or a verifiable business connection, why should you talk to this person? They are not calling to wish you a good day. Remember what our mothers taught us – DON’T TALK TO STRANGERS.
11. FALSE Federal law prohibits sweepstakes promoters from representing that entries accompanied by an order for products will be treated differently than entries without an order.
12. FALSE When you play sweepstakes, your name is frequently put on marketing lists bought and sold by other direct marketers. Eventually, your name can end up on fraudulent telemarketing lists, also known as ‘sucker’ or ‘mooch’ lists.
13. FALSE Work-at-Home promotions in ads, fliers and street signs that offer high income for little work are generally deceptive. After paying an up-front fee to get information, you will find that instead of learning how to set-up a legitimate business,

MODULE 12 – NAPSA Core Competencies

FINANCIAL EXPLOITATION – PARTICIPANT’S MANUAL

you will be pulling the same scheme on others by putting up signs, taking out ads, etc. Work-at-Home schemes are illegal, and if you participate by taking money from others, you may be prosecuted.

14. FALSE ALL advance-fee loan and credit repair offers are illegal or at the least fraudulent. If you pay to receive a loan, you will not get it and you will end up losing your advance fee. No one can help you erase bad credit. It takes time – and there are non-profit agencies that can help you – at no charge.
15. TRUE Itinerant con artists sometimes known as ‘Travelers’ prey on older adults in both cities and rural communities with door-to-door roofing, paving, painting, and tree trimming scams. Although they quote bargain prices, the amount doubles or triples after the work (usually shoddy) is done. Be cautious of contractors who demand 50% or more in advance. What guarantee do you have that he will ever come back? Most legitimate contractors have enough business that they can pay for materials from their own pockets. You can also pay for materials and have them delivered directly through the supplier, not the contractor.
16. FALSE You may be happy, but the building inspector and suppliers may not be! Getting a contractor to come back to bring a job up to code may be difficult, and suppliers and employees can place a lien on your home if they have not been paid. Never make final payment until the job has passed building inspection and you have verified the contractor’s suppliers and employees have been paid (request a ‘lien waiver.’)
17. FALSE City and utility workers do not go door-to-door; but con artists do! Once in your home, they will distract you while an accomplice sneaks in to steal purses, jewelry, safes, and other valuables. Never let a stranger in your home - no matter who they claim to be!
18. TRUE Never sign a document you have not read and understood, no matter how well you trust or know the person asking you to sign. Seek opinions from a lawyer, banker, etc.
19. TRUE The majority of investment fraud cases involve financial advisors who have had long-term, trusting relationships with their victims. The perpetrators use trust – and sometimes faith – as their weapons. No matter how long you’ve known or trusted someone, never make an investment decision without seeking advice from a lawyer, accountant, and/or your state’s securities administrator.

MODULE 12 – NAPSA Core Competencies

20. **TRUE** In most cases of theft by family members, trusted advisors, and Powers of Attorney, victims have given up total control to others and did not review financial statements. Perpetrators took advantage of the victims’ trust. In addition to your own review of accounts, surround yourself with several advisors and caregivers who can provide a system of checks and balances so that no one person has total control over your finances.



For assistance call the DA’s Fraud Line:

(209) 468-2488

***CASE is a Partnership of the
San Joaquin County District Attorney
and the Community to
Prevent Elder Financial Exploitation***

Handout 12

Elder Safety Card: Financial Abuse Protection Plan

2. NEVER GIVE YOUR IDENTIFYING INFORMATION.

Do not give out your Social Security number, Date of Birth, Telephone number, driver's license or State Identification card number.

3. NEVER GIVE INFORMATION THAT PROVIDES ACCESS TO YOUR ASSETS

Do not give your credit card, ATM or bank account number or bank name.

4. NEVER REVEAL YOUR TOTAL ASSETS

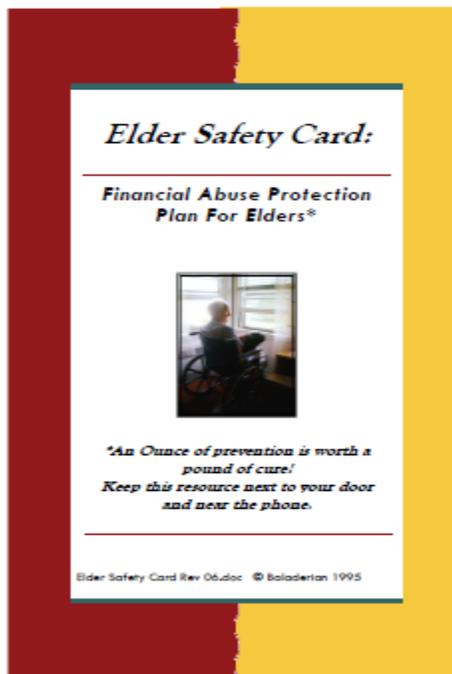
How to avoid these questions? Stall or tell a "white" lie: Say, "I can't remember", "my children handle all of that". Or offer to get the information, "Let me call my son, he works for the Bunko Squad at the Police Department and handles all my affairs. Come back/call back tomorrow and I will ask him to give you the information directly."

(This isn't rude and there is nothing "stupid" about it...in fact this is a "smart" way to be sure that people who are asking personal information are entitled to receive it.)

HERE ARE THE FIVE RULES OF PERSONAL SAFETY:

1. You do not have to answer the door.
2. You do not have to answer the phone.
3. You do not have to answer anyone's questions.
4. You do not have to listen to someone talk...you can end the conversation by closing the door or hanging up the phone even while they are talking.
5. You do not have to "be nice", especially when someone is not being nice to you.

Page 4 - Elder Safety Card Rev 06.doc © Boladerian 1995



Handout 12

Elder Safety Card: Financial Abuse Protection Plan

- Use these techniques when individuals you have never met before come to your door or call you on the phone.
- Your assets belong to you and you alone. Con artists and scammers have figured out that by acting "nice", they can get away with your life's savings. Sometimes they come alone, other times with a partner (in crime). They offer to make home repairs, do different household tasks (lawn mowing, house painting), then learn where you keep your valuables, create trust and loyalty in you, and the next thing you know, they are gone along with ownership of your home, assets and treasured belongings.
- Keep this resource next to your door and near the phone
- YOU CAN STOP THEM!!! Yes, you can.

Always

1. Check Things Out

- Tell the solicitor, "I always check out an offer by:"
 - A. Calling the Headquarters of the company:
() _____
 - B. Calling the Police Dept. Bunko Unit:
() _____
 - C. Calling Consumer Affairs/Better Business Bureau:
() _____

Write these numbers here right *now*!

2. Kindly Request An Appointment

- Before opening the door, set a timer for 5 minutes. After 5 minutes ask solicitor to leave. **WARNING:** If they do not leave, they may be attempting to create familiarity. If they do not leave within one minute after the request, insist they leave. Close the door or hang

Page 3 - Elder Safety Card Rev 06.doc © Boladerian 1995

Elder Safety Card: Financial Abuse Protection Plan

up the phone AND telephone the police. Do not threaten to call, just call.

Start Time: _____

End Time: _____

Note: You are not required to answer the door or the phone.

CHOOSE! Only if you want to!

3. Request & Record Identification

- Ask for Photo Identification and write the following:

Name _____

Business Lic. # _____

Address _____

City _____ State _____ ZIP _____

Company _____

Phone _____

Ask them to return in one week. Say, "I do not have time to talk right now." Make an appointment for their return, so you can give a fair hearing to their presentation and have your (lawyer) daughter or son there with you to help you. (Immediately after they leave, telephone the Company. Ask if this representative works there. If not, notify the police of the caller or visitor).

4. Get Help To Decide On Their Offer

Never

1. NEVER GIVE YOUR SIGNATURE WITHOUT CONSULTATION WITH SOMEONE ELSE YOU TRUST.

Page 3 - Elder Safety Card Rev 06.doc © Boladerian 1995

Closing & Evaluations



TIME ALLOTTED: 15 minutes

SLIDE 55

Closing & Evaluations

- Review of learning objectives
- Training Evaluation – ID code in upper right corner
 - Out of class activity
 - Due 2 weeks from today
 - Post training knowledge assessment
 - Demographic survey
 - Satisfaction survey

55

Please note: Evaluation Materials are located in the *Evaluation Manual*

Thank you for your hard work and for making this training day a success!

Handout 2 - Indicators of Financial Exploitation

- ❑ Changes in bank accounts or banking practices
- ❑ Additional signatories on bank accounts
- ❑ Abrupt changes in a will or estate plan
- ❑ Disappearance of money and/or valuable possessions/property
- ❑ Recent transfers of property
- ❑ Unusual banking and/or credit card activity (especially if it is inconsistent with the vulnerable adult’s abilities)
- ❑ Payment for unnecessary services or overcharging for services
- ❑ Mail is redirected to a different address or someone “gets” mail for victim
- ❑ Sudden increase in debt or a decrease in lifestyle (opposite for alleged perpetrator)
- ❑ Failure to pay bills in a timely manner, despite having sufficient resources to pay them.
- ❑ Acquisition of change to Power of Attorney
- ❑ Will leaves all property to caregiver or new acquaintance
- ❑ Victim’s checks are stolen, subsequently forged, or endorsed with forged signature
- ❑ Victim is unaware of, or does not understand, recent financial transactions (bank statements, quit claim deeds, purchases, etc.)
- ❑ Victim (or alleged perpetrator) gives implausible explanation for disappearance of money, assets, or property
- ❑ Presence of “new best friend” who is willing to care for the victim for little or no cost
- ❑ Abundance of mail and/or phone solicitations for money (“You’re the luck winner!”)

This document was adapted from – *Home for the Holidays*, Center of Excellence in Elder Abuse and Neglect -
<http://www.centeronelderabuse.org/page.cfm?pgid=5>

MODULE 12 – NAPSA Core Competencies

REFERENCES

- Acierno, R, Hernandez-Tejada, M.S., Muzzy, W. and Steve, K. 2009. National Elder Mistreatment Study. National Institute of Justice.
- Blum, B. 2003. The “IDEAL” Protocol for Undue Influence - An Introduction. *National College of Probate Judges NCPJ Life & Times, Vol. 2, Number 7.*
- Blum, B. 2005. The “Undue Influence Worksheet” and “IDEAL” Protocol – An Introduction.
- Blunt, A.P. 1990. From the frontlines: Banks and the responsibility to report financial exploitation. *NARCEA Frontline, Vol. 3(3).*
- Brandl , B., Heisler, C. and Stiegel, L. 2006. UNDUE INFLUENCE: The Criminal Justice Response. YWCA, Omaha, Nebraska.
- Dean v. Jordan, 194 Wash. 661, 671-72. 1938. Articulates factors to consider when determining whether undue influence occurred.
- Endicott, R. et al. v. Saul, R. et al., 142 Wn. App. 899; 176 P.3d 560. 2008. A good analysis on “confidential relationships.”
- Heisler, C. 2009. Appendix C – *Communicating Effectively with Law Enforcement and Prosecutors* Participant Manual.
- Heisler, C. 2009. Appendix C – *Communicating Effectively with Law Enforcement and Prosecutors* PowerPoint.
- Johnson, K. 2003. The Problem of Financial Crimes Against the Elderly, Financial Crimes Against the Elderly Guide No.20
- Kemp, B. 2005. Autonomy, capacity and the right to decide. Presentation at the 15th National Adult Protective Services Association annual conference, Salt Lake City, UT.
- Maine Department of Health and Human Services Office of Elder Services. 1995. The Maine Reporting Project for Financial Institutions, *Fighting Financial Exploitation*, second edition.
- The Maine Reporting Project for Financial Institutions. 1995. *Fighting Financial Exploitation*, second edition.

MODULE 12 – NAPSA Core Competencies

FINANCIAL EXPLOITATION – PARTICIPANT’S MANUAL

MetLife Mature Market Institute. 2009. *Broken Trust: Elders, Family and Finances – A Study of Elder Financial Abuse Prevention*.

Otto, Joanne. 2007. Factors affecting decisional impairment in APS clients Handout # 2. In *Assessing Adult Protective Services clients’ decision-making capacity*. Springfield, IL: National Adult Protective Services Association.

Texas APS Professional Development Division. 2003. *APS In-Home BSD 1*.
U.S. Department of Health and Human Services, Administration on Aging. 1998. *The National Elder Abuse Incidence Study* (www.aoa.dhhs.gov/abuse/report/default.htm)
Accessed 6/15/09.

YWCA. 2006. Financial exploitation wheel. Omaha, Nebraska.