

FINANCIAL EXPLOITATION

Trainer’s Guide



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.

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MODULE 12 – NAPSA Core Competencies

Version 2.2

-2-

Trainer Manual

FINANCIAL EXPLOITATION©

INTRODUCTION

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| APS TRAINING PROJECT – BAY AREA ACADEMY |
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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 (CaISWEC)
- National Adult Protective Services Association Education Committee (NAPSA)

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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
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Committees

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

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Video

Institute on Aging
U.S Postal Inspection Service

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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.

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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.

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 |

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|--|--|--|--|
| 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) | | |

RECOMMENDED COURSE AGENDA

- 9:00 Welcome, Overview, Learning Objectives
- Evaluations
- 9:20 Financial Exploitation Overview
- Activity
- 9:45 Indicators of Financial Abuse
- Activity
- 10:05 Break
- 10:20 Who Are the Alleged Perpetrators? Who are the Victims?
- Video & Activity
- 11:00 Mental Capacity and Financial Decision Making
- Activity
- 11:50-12:50 Lunch
- 12:50 Undue Influence, Mental Capacity & Financial Exploitation
- Activity
- 1:30 APS Investigation: Steps & Following the Money
- 2:10 Break
- 2:25 APS Investigation: Case Study Activity
- 3:10 APS Investigation: Challenges to Investigation and Partners in the Field
- Activity
- 3:30 Financial Exploitation Prevention Efforts
- 3:45-4:00 Closing, Evaluations, Adjourn

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HOW TO UTILIZE THIS TRAINING MANUAL

Customizing the Power Point:

Once you decided on how you want to divide up your time in presenting this material, you may want to customize your Power Point. The Microsoft Office Power Point software allows you to hide any slides you don’t want to use.

Hide slide instructions

1. On the **Slides** tab in normal view, select the slide you want to hide.
2. On the **Slide Show** menu, click **Hide Slide**.

The hidden slide icon appears with the slide number inside, next to the slide you have hidden. **Note:** The slide remains in your file, even though it is hidden when you run the presentation.

Please note that this manual is set up so that the trainer script/ background material is on the same page as the accompanying Power Point slide making it easy to also customize your manual to match the slides you have decided to use, Just remove the unneeded pages.

TRAINER GUIDELINES

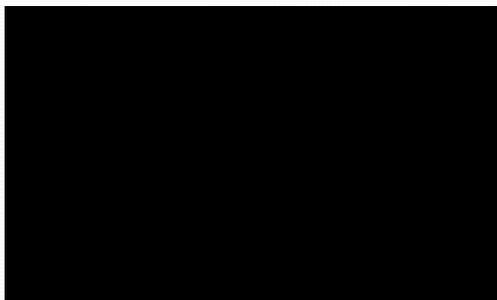
| | |
|---|--|
| <p>Teaching Strategies</p> | <p>The following instructional strategies are used:</p> <ul style="list-style-type: none"> ◆ Lecture segments ◆ Interactive activities/exercises (e.g. small group discussion, experiential exercise) ◆ Question/answer periods ◆ Slides ◆ Video clips ◆ Participant guide (encourages self-questioning and interaction with the content information) ◆ Pre/Post assessment of learning – send pre-test prior to training either via survey monkey or paper form. ◆ Embedded evaluation of skill ◆ Transfer of Learning activity <p><i>This training can be delivered by APS staff or may be team taught by APS staff and County Counsel/Court Investigator/DA staff.</i></p> |
| <p>Materials and Equipment</p> | <p>The following materials are provided and/or recommended:</p> <ul style="list-style-type: none"> ◆ Computer with LCD (digital projector) ◆ CD-ROM or other storage device with the slide presentations ◆ DVD for the video and audio clips ◆ Easel/paper/markers ◆ 3X5 cards, lined ◆ Trainer’s Guide: This guide includes the course overview, introductory and instructional activities and an appendix with reference materials. ◆ Participant Guides: This guide includes a table of contents, course introduction, handouts and transfer of learning materials. ◆ Evaluation Guide: contains all pre/post training and transfer of learning evaluation tools. ◆ Nametags/names tents. ◆ Water access/snacks/rest room access and lunch plans |
| <p>NOTE: Recommended number of training participants is 20-30. This training covers the basic knowledge, techniques and skills needed to investigate financial exploitation cases. It does not cover agency specific questions. You may need to collect agency specific information before delivering this training – these sections are highlighted in yellow.</p> | |

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TRAINER PREPARATION – VIDEO

Page 48 - Slide #23: Video – *Dialing for Dollars*

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



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Time Allotted: 5-10 minutes

Video available on YouTube - <http://www.youtube.com/watch?v=wJb6ou6O!58>

Trainer Tip - If time allows, show segment from the US Postal Inspection Service video – Dialing for Dollars: Telemarketing Fraud. Segment runs approximately 6 minutes. It shows a retired man being pressured into “investing” more money into “stock” by his “broker” who is king of the telemarketing boiler room.

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

Trainer Note: If the internet is not available to you in the training room, you may download the YouTube video before class and convert to a file format that is accessible to your computer system (eg. MP3, MP4, or WMP) using YouTube Downloader software. To access the latest version of this FREE software, visit CNet Downloads at <http://download.cnet.com/windows/> and type “YouTube Downloader” into the search box.

WELCOME AND OVERVIEW



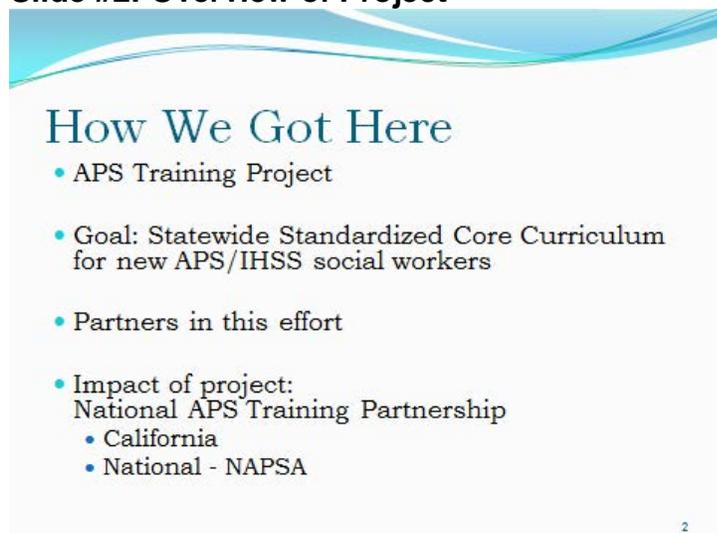
TIME ALLOTTED: 20 minutes

Slide #1: Welcome



Script – Welcome to Financial Exploitation.

Slide #2: Overview of Project



How We Got Here

- APS Training Project
- Goal: Statewide Standardized Core Curriculum for new APS/IHSS social workers
- Partners in this effort
- Impact of project:
 - National APS Training Partnership
 - California
 - National - NAPSA

2

Script – Trainer - please paraphrase in your own words:

The Adult Protective Services (APS) Training Project 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 who serve vulnerable seniors and adults with disabilities in the State of California.

The APS Training Project's overarching goal is to develop and deliver statewide, standardized core curricula for new APS/IHSS social workers in California and to share these trainings on a national scale through our collaboration with the National APS Training Partnership. 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 Project with Project MASTER and NAPSA.

Slide #3: Introductions, housekeeping, training agenda, participant materials

Why We Are Here

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



3

Trainer Tip - this is a good time to introduce yourself – background, position within APS, etc. It is also a time to quickly go around the room and have people introduce themselves – name, county, how long they’ve been with APS, and if they know anyone who is a victim of financial exploitation.

After introductions, ask for a show of hands for the following questions:

- 1. Do you know a victim of financial exploitation?***
- 2. Have you handled a financial exploitation case?***

Briefly review the agenda – breaks, lunch, etc. which is located in the participant materials. Take a moment to orient training participants to their Participant Manual – PowerPoint, handouts, activities, resources.

Lastly, remind everyone to silence electronic devices and take the time to be present in these trainings. Announce restroom location, emergency exit info and to please return from breaks on time

Slide #4: Goals & Objectives

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

Trainer Tip: Review slide

Slide #5: Learning Objectives

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.
 - Cite the definition of ‘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.

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Slide #6: Learning Objectives (con.)

Learning Objectives

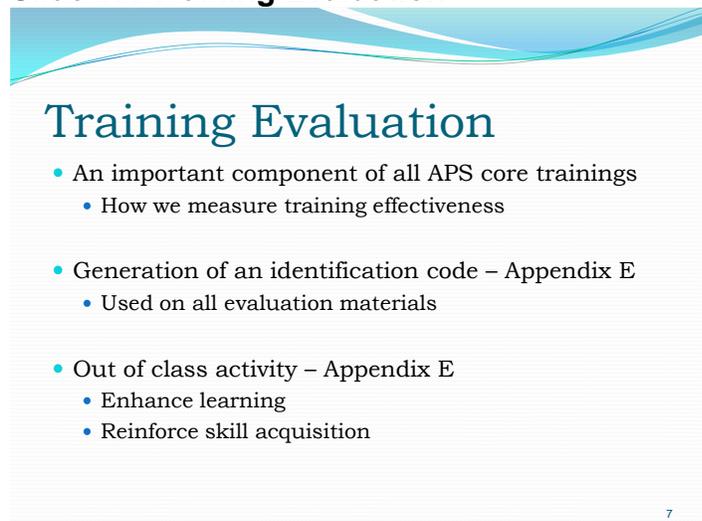
- By the conclusion of this training, participants will be able to:
 - Discuss the primary components of a financial exploitation investigation and discuss why it’s important to always “follow the money”.
 - Identify the common challenges encountered during a financial exploitation investigation and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

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Trainer Tip: Prior to the training, write the learning objectives (LO’s) on a white board or poster paper. As the training progresses, check off the learning objectives that have been covered. This will help participants make the connection between the LO’s and the knowledge they will need to complete the post-test.

Read the LO’s. Explain that we will be building a foundation of knowledge in the morning and will be moving to financial exploitation investigation skills in the afternoon. It will be a day of learning, activities, taking chances, and building confidence.

Slide #7: Training Evaluation



The slide features a blue and white wavy graphic at the top. The title 'Training Evaluation' is in a large, blue, serif font. Below the title is a bulleted list of three main points, each with sub-bullets. The background is a light gray grid.

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

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Trainer Tip – Training participants should have been sent a Knowledge Assessment (Pre-Test) (either online or paper) prior to the training. For that activity they generated a unique identification code which will be used on all evaluation materials. Ask participants if they have their code – if they need a refresher on how to generate the code, the information is below. It is important that they use the same code on all materials.

Script - Training participants are expected to participate in a variety of in-class and post-training evaluation activities. These activities can be found in the **Evaluation Manual**, and 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.

Identification Code Refresher – Please direct participants to **the handout entitled – APS Identification Code Assignment**. In order for us to track your evaluation responses while maintaining your anonymity, we need to assign you an identification code. Please create your ID code by answering the following questions:

1. What are the first three letters of your mother’s *maiden* name?
2. What are the first three letters of your mother’s *First* name?
3. What are the numerals for the DAY you were born? (example June 9 = 09)

Now combine these parts to create your own ID code. Please write your ID code in the space at the top right corner of ALL evaluation materials

Post-Training Knowledge Assessment – At the end of the training we will be administering a post-training knowledge assessment similar to the one that you took

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online prior to the training. We will be using the results to measure curriculum effectiveness.

Out of class activity – Each core training has an out-of-class activity which is designed to measure transfer of learning skills from training room to the field. At the end of the training we will be handing out this short assignment that will need to be mailed in within 2 weeks of training completion. We will provide instructions and a pre-addressed & posted envelope at the end of the day. It should be fun and informative!



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

| |
|-----------------|
| CONTINUE |
|-----------------|

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evaluation staff. Only group averages and percentages will be reported. Individual 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:

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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?

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

Script – Let’s begin to dig into the topic of Financial Exploitation by looking at a definition. While the definition of financial exploitation varies among the states, the one most commonly cited is “illegal or improper use of an elder's or incapacitated adult's resources for profit or gain.”

Slide #9: Legal Definition of Financial Exploitation in California [Outside CA - Insert your State here].



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

Script – [Outside CA - Insert your State here]

The legal definition of Financial Abuse/Exploitation for CA comes from the Welfare & Institutions Code 15610.30 which states:

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.*

CONTINUE

Slide #10: Legal Definition of Financial Exploitation in California – con. [**Outside CA - Insert your State here**].



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

(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.

The last portion of the statute related to undue influence was added as of January 2009 - we will discuss undue influence as its related to financial exploitation cases after lunch.

Lastly, throughout this training, we will be discussing collaboration with APS partners. One important partner is the criminal justice system which includes law enforcement and prosecution.

Refer participants to **Handout 1 – Selected Crimes & Statutes** in their manuals. It was created as a quick reference tool for common financial exploitation crimes, including their corresponding statute numbers and defining elements. It’s important to remember that when we investigate and document cases, they may end up as part of a larger criminal investigation and may end up in court. It’s good to be familiar with the language that the criminal justice system uses and incorporate it into your interactions and documentation when appropriate.

We will be referring to **Handout 1** throughout the day.

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 | |

FINANCIAL EXPLOITATION – TRAINER’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 – TRAINER’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 |

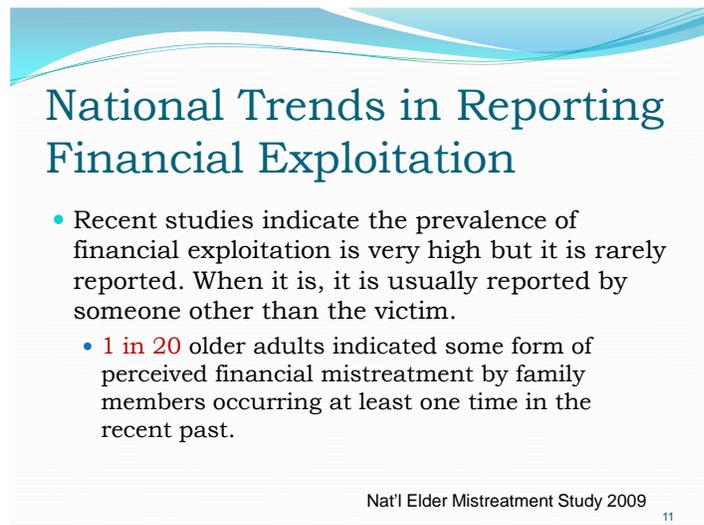
PC = Penal Code, CC = Civil Code, B&P = Business & Professions

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



National Trends in Reporting Financial Exploitation

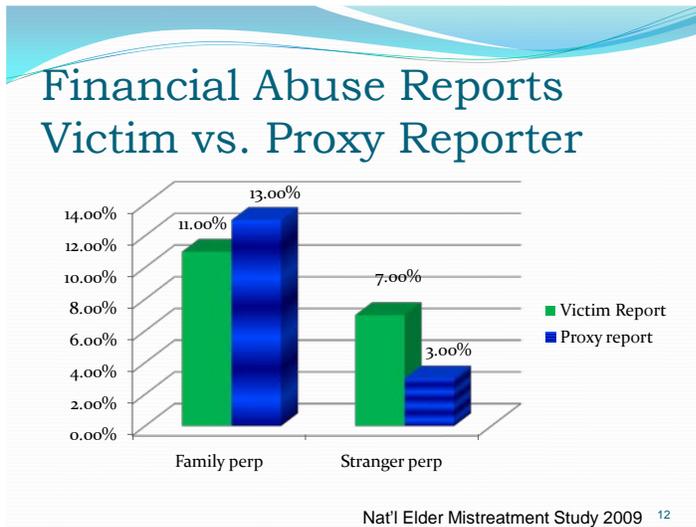
- Recent studies indicate the prevalence of financial exploitation is very high but it is rarely reported. When it is, it is usually reported by someone other than the victim.
- **1 in 20** older adults indicated some form of perceived financial mistreatment by family members occurring at least one time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

Nat'l Elder Mistreatment Study 2009 11

Script – So what does the data look like with regards to the reporting of financial exploitation? Recent studies indicate that the prevalence of financial exploitation is very high but it is rarely reported. And when it is, it is usually reported by someone other than the victim.

According to the National Elder Mistreatment Study published by the National Institute of Justice in 2009, 1 in 20 older adults indicated some form of perceived financial mistreatment by family members occurring at least one time in the recent past.

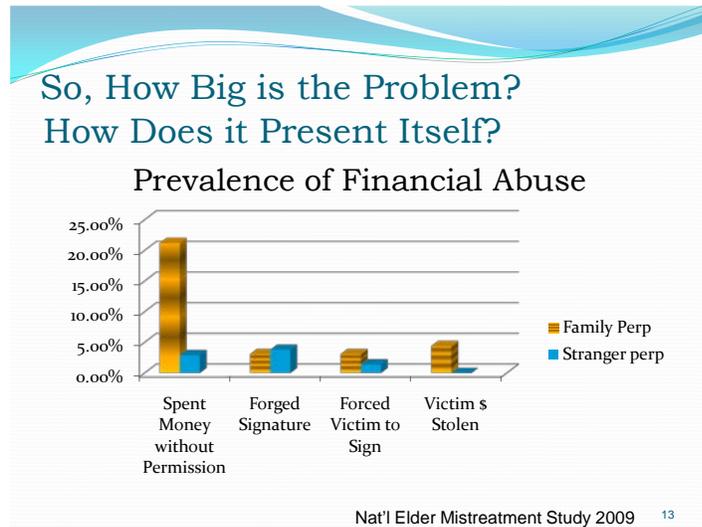
Slide #12: Financial Abuse Reports – Victim vs. Proxy Reporter



Script – Proxy is someone other than the victim

So of the incidents that ARE reported, we can see in this slide that family perpetrated financial exploitation is more likely to be reported by the victim or proxy than stranger perpetrated financial exploitation.

Slide #13: How Big is the Problem? How Does it Present Itself?



Script –

So, how big is the problem? - A recent and yet unpublished National Elder Mistreatment Study funded through the Department of Justice, indicated the prevalence of financial mistreatment perpetrated by family members was 5.2%, making this a relatively frequently occurring type of elder mistreatment by trusted others.

How Does it Present Itself?

- About 20% of these events involved spending money without the elder's permission
- 3% indicated that the trusted family member did not make good decisions regarding their finances
- 4% reported that they were not given copies of financial transactions
- 3% stated that their signature was forged
- 2% stated that they were forced to sign something against their will
- 4% reported that their money was simply stolen by a family member

And, still after all of this – only 1 in 14 incidents are reported to authorities.

MODULE 12 – NAPSA Core Competencies

Slide #14: Activity 1 – Barriers to Reporting Abuse in 5 Minutes!

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

TIME ALLOTTED: 5 minutes

Script – What are some of the barriers to reporting financial abuse? Let’s take a few minutes to work in small groups and brainstorm.

Trainer Tip – *This activity is located in their participant manual. If you are running behind in the agenda, this activity can be done in large group format as a shout out with trainer writing on easel pad.*

Instructions –

1. Ask participants to work at their tables in small groups – 4-8 people.
2. Each group should assign a note taker and a spokesperson.
3. Give the group three (3) minutes to list as many barriers victims face to reporting financial abuse.
4. At the end of the three minutes, have each group count how many ideas they generated.
5. The group with the longest list is asked to read their list. Other groups then add any other ideas not mentioned by the first group.
6. Compare participants lists with next slide

Slide #15: Barriers to Reporting



Barriers to Reporting

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



15

Script – So let’s look at some reasons why victims don’t report financial exploitation – compare these barriers to the list we just created in activity 1:

- **Fear**
 - retaliation by the abuser
 - not being believed
 - being institutionalized, or separated from family and familiar things
 - the criminal justice system
 - loneliness
- **Protecting the Abuser**
 - guilt and shame in being abused by one’s own child or by a trusted caregiver
 - protectiveness and/or the desire to get help for family member
- **Social Isolation**
 - often live alone, or with family members and don’t interact with others in the community
- **Self-Blame/Denial**
 - blame themselves for the abuse, or they tolerate and accept the abuse

CONTINUE

MODULE 12 – NAPSA Core Competencies

- **Inability to Report**
 - Mental impairments:
 - Alzheimer’s disease or other forms of dementia may cause memory loss and impair the ability to communicate effectively
 - Physical impairments may affect the victim's ability to get to the phone or leave the home to report abuse, or a stroke may affect their ability to communicate.

Slide #16: Cultural and Social Aspects of Financial Exploitation



The slide features a decorative blue and white wavy graphic at the top. The title is in a large, blue, serif font. Below the title is a bulleted list of societal and cultural factors. A small number '16' is visible in the bottom right corner of the slide content area.

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

Script – There are societal and cultural aspects to consider in financial exploitation cases. Here are just a few to be aware of:

- Societal Attitudes – certain societal attitudes may make it easier for financial exploitation to happen:
 - Ageism
 - Devaluation and lack of respect for older adults and persons with disabilities
 - A belief that what goes on in the home is a private, "family matter."
- Cultural Factors - certain cultural factors may make some situations more difficult to determine if financial exploitation is occurring - it is important not to ignore red flags by attributing the cause solely to cultural differences. Aspects to consider when working with persons from different cultures:
 - Language barriers
 - Stereotypes
 - Religious beliefs
 - Gender roles

CONTINUE

ASK – How may cultural differences play out in financial exploitation cases?

Possibilities may include:

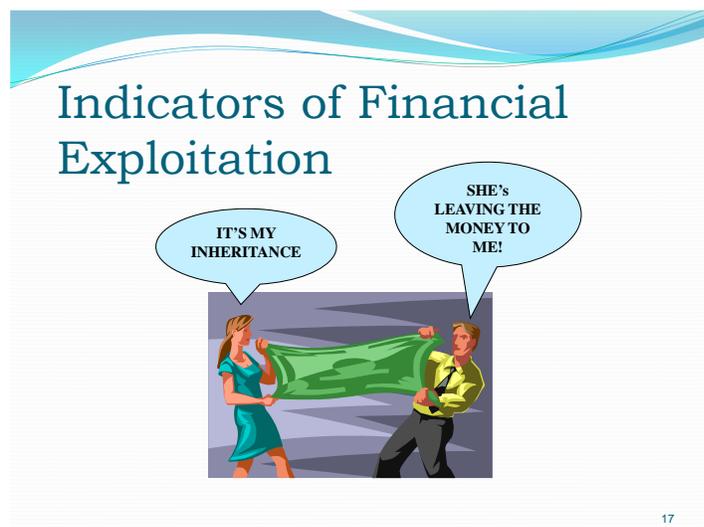
- *Multi-generation households where alleged perpetrator may be utilizing monies that belong to elder but it’s seen as “family money”.*
- *Older generation not fluent in English and relying on family members or friends to complete forms and transactions; creating isolation and vulnerability.*
- *Documentation status may keep elders or families from seeking help.*

INDICATORS OF FINANCIAL EXPLOITATION



TIME ALLOTTED: 20 minutes

Slide #17: Indicators of Financial Exploitation



Script – So let’s move onto the indicators we need to be aware of in the field. There are many indicators of financial exploitation. However, keep in mind that:

- Some indicators can be explained by other causes – ex. lifelong patterns of financial mismanagement, poor financial judgment or self-neglecting behaviors.
- No single indicator should be taken as conclusive proof.
- You should look for patterns or clusters of indicators that suggest a problem.

We have a quick activity to help us identify some of the indicators.

Slide #18: Activity 2 – Identify Indicators of Financial Exploitation

Activity: Indicators of Abuse

- At your tables, identify a note taker and a spokesperson
- List as many indicators of financial exploitation as you can come up with
- You have 3 minutes!

18

TIME ALLOTTED: 20 minutes

Trainer Tip – This activity is located in their participant manual. If you are running behind in the agenda, this activity can be done in large group format as a shout out with trainer writing on easel pad.

Instructions:

1. Ask participants to work at their tables in small groups – 4-8 people.
2. Each group should assign a note taker and a spokesperson.
3. Give the group 3-5 minutes to list as many indicators of financial exploitation as they can.
4. In large group format, have groups share their lists – trainer record answers on easel paper. Take about 8-10 minutes
5. Refer participants to the back of their manual to Handout 2 – Indicators of Financial Exploitation and compare the group’s list to the handout – is there anything missing? This should take about 5 minutes.

Script - To conclude with this section, let participants know they can use **Handout 2** as a reference tool in the field.

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

BREAK
15 minutes

Who Are the Alleged Perpetrators? Who Are the Victims?



TIME ALLOTTED: 40 minutes

Slide #20: Who Are the Alleged Perps?

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

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Script – So far we have explored the definition and indicators of Financial Exploitation; now let’s look at the characteristics of the perpetrators and victims.

- **Perpetrators tend to be opportunists** - Opportunists begin their relationship with an elderly person in a close and trusting manner. Over time, however, opportunists, whether due to resentment, repressed anger, or some other rationalization, come to believe that they are entitled to take the older person’s assets. Opportunists are most often family members but can be non-family as well.

Ask – *Who are possible non-family opportunists?*

Examples participants may come up with - *Housekeepers, Neighbors, A trusted care-giver at an assisted living facility or nursing home, a fellow member of a church or synagogue, Clergy, Attorneys, Accountants, Bankers, Investment advisors.*

MODULE 12 – NAPSA Core Competencies

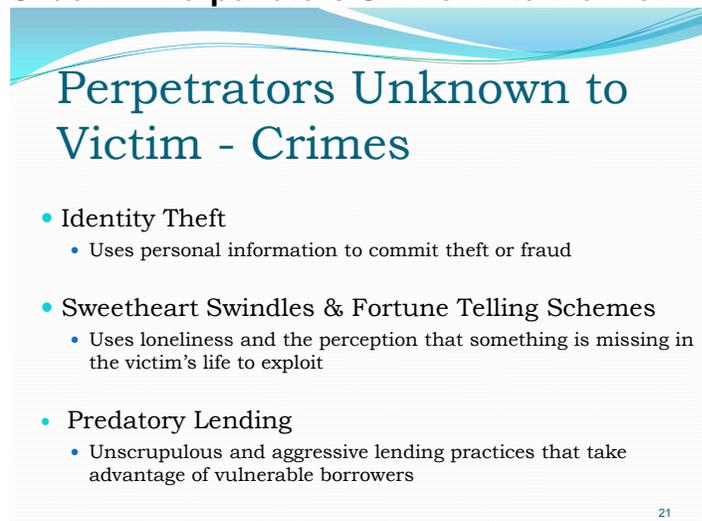
- **Perpetrators tend to be predators** - Predators are those people who intentionally seek out older persons and persons with disabilities as a target to victimize. Predators tend to find their victims by frequenting places that are known to cater to elders and persons with disabilities, such as senior centers, nursing homes, day programs and even support groups for the bereaved. Predators may purposely obtain jobs in private homes, hospitals, long term care facilities, transportation or pharmacies to seek out potential victims. Predators are even known to review obituary columns for names of bereaved surviving relatives.
- **Perpetrators may believe that 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

Interesting statistic to share on non-family perpetrators - According to the 2009 Metlife Mature Market Institute Report on Financial Abuse – the top 3 non-family perpetrators are:

- ***People who befriend the victim;***
- ***Home repair con artists;***
- ***Strangers.***

Script - Let’s first look at types of financial exploitation perpetrated by entities unknown to the victim.

Slide#21: Perpetrators Unknown to the Victim - Crimes



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

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Trainer note – For the purposes of this introductory training – we provide a quick overview of the specific types of financial exploitation. The topics listed will be covered in more depth in accompanying online mini-trainings.

Script –APS is often the first rung in the intake and investigation process in financial exploitation cases and may work with other agencies depending on case complexity and your county's internal policy. The following are some examples and characteristics of financial abuse crimes perpetrated by predators unknown to the victim.

Note: victims of these sorts of schemes are often competent.

- **Identity Theft** - Uses victim's personal information to commit theft or fraud.
 - Personal data such as - Social Security number, credit card/bank account number, date of birth, driver's license number is stolen.
 - Perpetrators have been known to use many different methods to obtain personal information, including theft of the victim's wallet or mail, rummaging through the victim's trash, rummaging through trash bins behind stores or medical/dental buildings for clients'/patients' personal records; and using information obtained through the perpetrator's workplace.
- **Sweetheart Swindles & Fortune Telling Schemes**
 - Uses loneliness and the perception that something is missing in the victim's life to exploit
 - Some researchers say that men tend to be more susceptible to sweetheart scams than women. This may be explained by the loss of a spouse/caretaker.

- **Predatory Lending**
 - Unscrupulous and aggressive lending practices that take advantage of vulnerable borrowers.
 - Predatory lending is using an individual’s assets, such as a paid off home, to open large loan accounts.
 - Predators may give presentations at senior centers knowing they have a captive audience.

Slide#22: Perpetrators Unknown to the Victim – Crimes (cont)

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



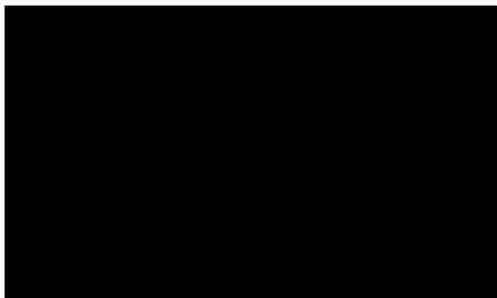
23

- **Sweepstakes/Lottery Scams**
 - Telling a victim they have won a large sum of money but to claim it they must pay taxes/fees up front.
 - A very good example is the **Canadian Lottery**. This is a worldwide scam that is well known for bulking money from unsuspecting victims. Telemarketers working in a boiler room call a victim, tell them they are the “lucky winner” of a large sum of money. However there is one condition: since the victim doesn’t live in Canada, taxes must be paid up front. The victim is required to wire money as soon as possible to receive the money. Often the scam will continue with more contacts requesting more money. Note: these are Federal level cases which have thousands of victims and ongoing investigations in Canada and the U.S. Work with your supervisor to contact the appropriate law enforcement entity - local law enforcement, FBI or Secret Service.
- **Confidence Crimes**
 - Uses deception to gain another’s confidence
 - Annuity Scams
 - Uses promises of a “no risk” return on an investment
 - Charity Scam
 - Setting up a fake donation campaign
 - Home Repair Scams
 - Using so-called “expertise” to secure payment for “much needed” home or roof repair.
 - Telemarketing Scam
 - Phony investment “opportunities”
 - Video - *Dialing for Dollars: Telemarketing Fraud*

MODULE 12 – NAPSA Core Competencies

Slide #23: Video – *Dialing for Dollars*

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



24

Time Allotted: 5-10 minutes

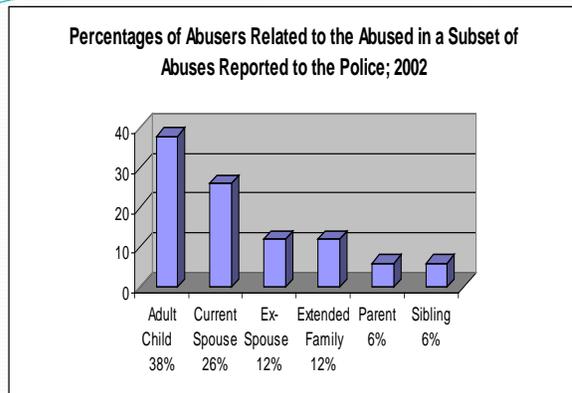
Video available on YouTube - <http://www.youtube.com/watch?v=wJb6ou6Oi58>

Trainer Tip - If time allows, show segment from the US Postal Inspection Service video – Dialing for Dollars: Telemarketing Fraud. Segment runs approximately 6 minutes. It shows a retired man being pressured into “investing” more money into “stock” by his “broker” who is king of the telemarketing boiler room.

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

Trainer Note: If the internet is not available to you in the training room, you may download the YouTube video before class and convert to a file format that is accessible to your computer system (eg. MP3, MP4, or WMP) using YouTube Downloader software. To access the latest version of this FREE software, visit CNet Downloads at <http://download.cnet.com/windows/> and type “YouTube Downloader” into the search box.

Slide#24: Perpetrators Known to the Victim



Ontario Network for the Prevention of Elder Abuse 2007 27

Script - Now, let’s look at perpetrators that are known to the victim.

Ask – Who do you think these people are?

Examples that participants may identify: family, friends, acquaintances, care providers, fiduciaries – conservator/guardian, POA/DPOA, trustee, payees, lawyers, clergy...

Script - This slide reflects the % of abusers related to the victim in a subset of abuses reported (not necessarily all financial exploitation) to give you a graphic representation of what will likely be in your case loads – anyone surprised?

Review chart statistics – highlighting the 3 highest categories:

- **Adult Child – 38%**
- **Current Spouse – 26%**
- **Ex-Spouse – 12% - tie**
- **Extended Family – 12% - tie**
- Parent – 6.0%
- Sibling – 6.0%

Another interesting statistic to share from the 2009 MetLife Mature Market Institute study on Elder Financial Abuse – suggesting the 3 highest categories are

- **Trusted Professional – 18%**
- **Family – 16.9%**
- **Non-agency Care Provider – 10.9%**

CONTINUE

MODULE 12 – NAPSA Core Competencies

Note: One thing all studies agree on is that people known, trusted and loved by the victim are the likely perpetrators in many of these cases.

Slide#25: The Bottom Line...

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

Script - THE BOTTOM LINE IS...those in a position of power over an elder or dependent adult have the potential to abuse that power.

Elders and dependent adults are particularly susceptible to exploitation by someone they know, whether it is a trusted professional, family member, caretaker, friend or neighbor. 90% of abusers are known to the victim, with more than two-thirds being relatives of the victim.

Factors such as trust, accessibility and sometimes the increasing dependency of an adult can open the door to exploitation. We often see the family member least able to care for themselves ending up being the one designated to care for the vulnerable adult.

The poorly suited family member may be:

- Socially isolated, possibly a substance abuser or have mental health issues.
- A person with poor employment record.
- Forced to provide care, and are unprepared for the responsibility and related stress
- Financially or emotionally dependent on the elder or dependent adult.

Remember - those in a position of power or influence over an elder or dependent adult have the potential to abuse that power. Let's take a few minutes for an activity that highlights how influence can be used and misused sometimes unknowingly...

MODULE 12 – NAPSA Core Competencies

Slide #26: Activity 3: The Use/Misuse of Influence

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?

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TIME ALLOTTED: 15 minutes

Trainer Tip – This activity is located in their participant manual.

Objective: To raise self-awareness of the use and misuse of influence and the ethical challenges this can create.

Instructions:

1. Trainer reads the scenario out loud to the group 1-2 min.
2. Ask participants to work in their table groups to answer questions - 5 min.
3. Large group report out and discussion – 8 min.
4. Wrap-up – 1-2 min

Scenario:

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.

| |
|----------|
| CONTINUE |
|----------|

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?**

Trainer Tip:

This activity highlights the following:

- No right or wrong answers
- Lots of gray areas
- Can bring out personal biases
- Highlights the thinking of the group on key points if there is disagreement on answers.

Close the activity by telling participants that we are in no way trying to condone or excuse inappropriate, unethical or illegal behavior. This brief exercise was created to bring self-awareness to our work - to help us understand how influence can be used/misused, how rationalizations are created, and the ethical dilemmas these rationalizations can present. It also emphasizes how difficult it can be to “prove” financial abuse in these types of scenarios.

Remind participants that there is an entire training on ethics and values - NAPSA Core Module 2 – APS Values and Ethics.

Slide #27: Who Are the Victims?

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

Trainer Note: Refer participants to **Handout 3** in their manuals. Briefly run through the descriptions and encourage participants to review more thoroughly on their own.

Script: We looked at who perpetrates financial exploitation; let’s take a quick look at the victims.

Victim characteristics found in financial exploitation cases:

- *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*
 - The 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.

CONTINUE

FINANCIAL EXPLOITATION – TRAINER’S MANUAL

- *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.
- *“Unknowning” Elder*
 - There’s one more, 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.

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?

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

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Script – Review risk factors associated with elder financial exploitation:

What we know about factors:

- Age
 - The majority of victims are 75+ years of age.
 - Statistics from the 1998 National Elder Abuse Incident Study:
 - 80 or older – 48%
 - 75-79 – 28.7%
 - 70-74 – 10.8%
 - 65-69 – 9.4%
 - 60-64 – 3.1%
- Social Isolation
 - Often widowed or divorced and socially isolated
- Extreme Dependence and Frailty
 - Have one or more physical or mental impairments
 - Usually live with the abuser
- Severe Mental and/or Physical Illness
 - Substance abuse
- Female Gender
 - Two-thirds are female

CONTINUE

MODULE 12 – NAPSA Core Competencies

FINANCIAL EXPLOITATION – TRAINER’S MANUAL

- Research suggests that women experience elder financial abuse more than men as they tend to live longer than men. Some women may also be more vulnerable to financial abuse due to loneliness after the death of a spouse. In addition, some older women may become responsible for household finances for the first time since the death of their spouse
- Low to Modest Financial Resources

Now let’s look at another issue that commonly comes up in APS financial exploitation cases – a client’s decision making capacity.

Mental Capacity and Financial Decision Making



TIME ALLOTTED: 50 minutes

Slide #29: Mental Capacity & Financial Decision Making

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?

33

Script - Now that we have covered the definition of financial exploitation, indicators of financial abuse and perpetrator and victim characteristics – let’s move onto another very important area which you will encounter in the field – client mental capacity and financial decision making ability.

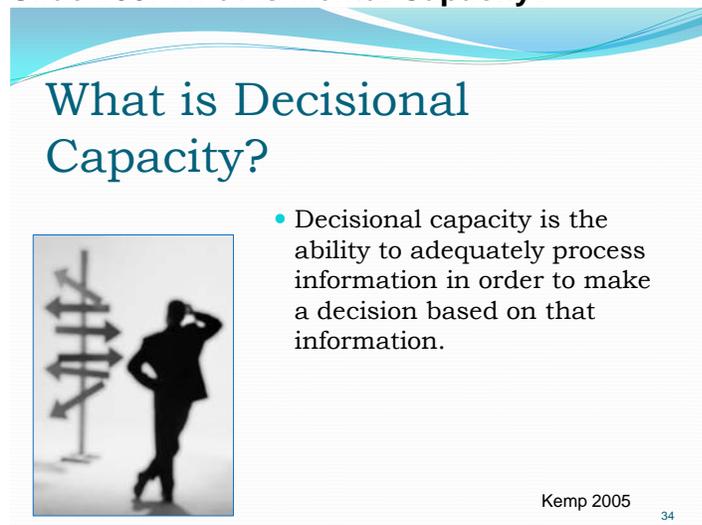
Questions to consider regarding mental capacity & financial exploitation –

- What is capacity?
- What factors can impact capacity?
- What is my role as the APS worker?
 - Assessment, observation and documentation
 - Screening tools to assist in the field
 - Utilize the expertise of allied partners
 - Document, Document, Document
- What is consent?

Now let’s answer these extremely important questions.

MODULE 12 – NAPSA Core Competencies

Slide #30: What is Mental Capacity?



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 34

Script – We are not going to go into great depth into mental capacity within this training as it will be covered in-depth in NAPSAs Core Module 17 – Assessing APS Client’s Decision-Making Capacity. It is important for you to have the basic definition of mental capacity and consent within the context of financial exploitation cases.

Let’s review the decisional capacity definition developed by Bryan Kemp, Ph.D:

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

Decisional capacity is complex. We are using the same definition as you will see in NAPSAs Module 17 for consistency and because it’s simple, comprehensive and easy to remember.

Slide #31: Factors That May Affect Capacity

Factors that May Affect Mental Capacity

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



NCPEA 2003 35

Script - Mental capacity fluctuates and may be affected by many factors including:

- Disease or Illness – A pronounced decline, however, could signal illness or disease – especially sudden onset.
- Some factors may contribute to mental decline and be treatable - these include:
 - Poor nutrition/Malnutrition
 - Dehydration
 - Depression
 - Interactions between medications
 - Sleep deprivation

Note: Some factors may work in combination with each other – e.g. someone who is depressed and demented appears way more demented.
- Time of day may also be a factor as some people are more alert at certain times of day than at others. Other considerations connected to time of day – sundowning, when medications were taken and if they are in the client’s system.

Refer participants to **Handout 4 - Factors Affecting Decisional Impairment in APS Clients** in their manuals. This was developed by Joanne Otto for NAPSA Core Module 17 on Capacity and it will be a valuable resource tool in the field.

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. |

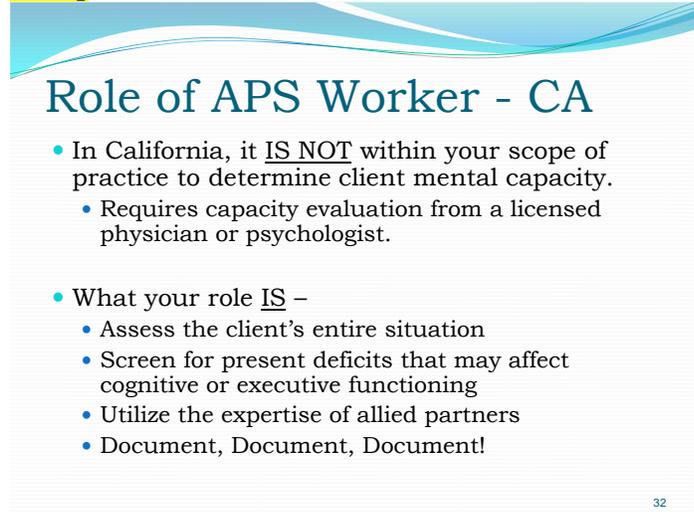
FINANCIAL EXPLOITATION – TRAINER’S MANUAL

| | |
|---------------------------------|---|
| 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: The Role of the APS Worker – California [**Outside CA - Insert your State here**]



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!

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Script – [**Outside CA - Insert your State here**]

It is very important to understand your role and scope of practice within financial exploitation cases where mental capacity may be an issue.

In California, it is **not within your scope** of practice to determine a client’s mental capacity. Unless you are a licensed physician or psychologist, you are not professionally qualified to conduct a professional capacity evaluation and fill-out the required capacity declaration paperwork - the GC-335.

To begin with, capacity is not easily determined. Physicians, lawyers, psychologists and judges all struggle with the concept. There is no gold standard for determining incapacity.

The implications of a judgment of incapacity are life changing. Individuals may have many of their most basic rights curtailed. This is a very serious decision, and requesting a judgment of incapacity from a court should be the very last resort.

What is within the scope of APS practice in California is:

- Assessing the client’s entire situation
- Ask: What’s the best way to do this? Responses may include:**
- Interview the client in the home;**
 - Interview alleged perpetrator;**
 - Talk with collaterals;**
 - Review any previous case information (if available)**

FINANCIAL EXPLOITATION – TRAINER’S MANUAL

- Screening for deficits that may be present and that could affect the client’s cognitive and/or executive functioning abilities thus making them vulnerable to financial exploitation.

Defining Executive Function – Refers to the ability to take in information, plan, and execute the plan.

e.g. writing check and balancing checkbook or making a shopping list and going shopping for items on the list.

If someone has executive functioning problems they can “talk the talk” but not complete the task.

- Documentation - All information gathered by the APS worker is documented and can then be used to support a request for a more formal and thorough capacity evaluation by a trained professional.

It is also important to utilize the expertise of allied partners available in your county – some professionals you may work with on these cases include - Public Health Nurses, Behavioral Health Specialists, Geriatric Mental Health Specialists, and Public Guardian’s Office.

Ask – What other partners could you work with on these cases?

Trainer Tip – Remind participants that staffing and resources vary from county to county and they will need to work with their supervisor and follow their county’s protocol.

Slide #33: Screening Tools

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

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Script – The number one rule is – start with the assumption that your client has the capacity to make decisions for themselves, unless and until that assumption is proven wrong.

But say, you do suspect that your client may have cognitive deficits that are affecting their understanding and ability to make financial decisions – here are a few tools that may be used in the field to help you document your suspicions. Remember they are only screening tools that provide a snapshot in time and none of them assess for undue influence.

Please note - you will be using tools that your county requires or recommends. These examples are just a few of the many screening tools that you may encounter in the field.

The screening tool **Handouts 5-8** are located in your participant manual.

The first three tools will be covered more thoroughly in NAPSA's Module 17 on Capacity.

- Folstein Mini- Mental Status Exam (MMSE) - The MMSE is widely used across disciplines. It is used to screen for cognitive impairment – it assesses these elements of cognition:
 - attention
 - orientation
 - memory (registration and recall)
 - language function
 - Praxis (ability to perform learned motor tasks)

CONTINUE

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It does not address the client’s decision-making skills for specific tasks. It can be administered reliably by any practitioner trained to do so - licenses need to be purchased as this tool is not freely available.

- Clock Drawing Test - The clock drawing test is often used by physicians. It tests parietal lobe dysfunction. While it can provide information about executive functioning and spatial orientation, it can be misleading if used as the only measure of mental functioning.

Handout 5

The Mini-Mental State Exam

Patient _____ Examiner _____ Date _____

Maximum Score

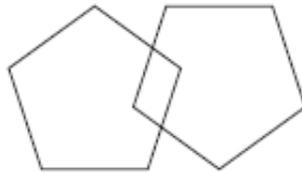
- | | | |
|---|-----|--|
| 5 | () | Orientation |
| 5 | () | What is the (year) (season) (date) (day) (month)? Where are we (state) (country) (town) (hospital) (floor)? |

- | | | |
|---|-----|---|
| 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 |
| 1 | () | 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.

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

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 (cont)

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

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- Paradise 2 - The Paradise-2 test was developed by Bennett Blum, Ph.D. It asks questions about 16 behaviors and cognitive functions that correspond to certain brain functions, and may be administered by a non-medical professional. However, the interpretation of the answers is still subjective.
- St Louis University Mental Status Exam (SLUMS) - The SLUMS evaluates the same elements as the MMSE and Clock Test. Appears to be a better assessment of mild cognitive impairment and an equally good assessment of moderate to severe cognitive impairment. And it's not copyrighted (yet).

FINANCIAL EXPLOITATION – TRAINER’S MANUAL

Handout 7

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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.

FINANCIAL EXPLOITATION – TRAINER’S MANUAL

Handout 7

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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 1. What day of the week is it?

① 2. What is the year?

① 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.

② Hour markers okay
② Time correct

① 10. Please place an X in the triangle. 

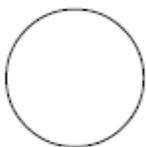
① Which of the above figures is largest?

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.

② What was the female's name?
② When did she go back to work?

② What work did she do?
② 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?

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

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Script – The last important definition to cover before we move into our skill building activity – is consent.

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

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

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

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

Trainer Tip – *If there is time, you can ask participants for examples of situations where consent is required and write them on the easel.*

Slide #36: Activity 4 – Screening for Capacity – Financial Decisions

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 **TIME ALLOTTED: 25 minutes**

Script – Now we’re going to put everything we learned in the last section to work in this activity!

Trainer Note: This activity has an embedded group evaluation component. Pass out the appropriate answer sheet to each group and make sure to collect the answer sheet before the report out and large group discussion.

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:

1. Refer participants to Activity 4 in their manuals.
2. Divide the participants into 4 groups – assign each group one scenario.
3. Pass out the appropriate answer sheet to each group (eg. Group 1 – Scenario 1, Group Two – Scenario 2, etc.)
4. Read the instructions out loud asking participants to follow along:
 - a. Choose one person to fill-out the answer sheet that will be turned in at the end of the exercise. Work in your participant manuals as well for the large group discussion.

- b. Each group is assigned one scenario, read the scenario and answer the three questions that follow.
 - c. Read the Sample scenario then read the question and answer for questions 1-3 to make sure participants understand the activity.
 - d. Clarify if needed.
5. Give participants 5-10 minutes to work in their groups.
6. Have small groups report out in large group format – give each group about 5 minutes to report out.
7. Very important – Trainer or training assistant collect answer sheets from groups. Participants should have written their answers in their participant manuals as well.

Activity 4 with Answer Key

Trainer Tip - please feel free to add information from your own experiences during large group report out.

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.

Answer - Serious mental illness with hallucinations not controlled by medication

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

Answer - Client wanders the streets barefoot day and night

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

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

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.

Answer - Mild to moderate mental retardation – needs prompting for ADL’s, IADL’s – 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 herself.

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

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

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

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.

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

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

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

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

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

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.

Answer - Failing health and impaired memory and judgment.

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

Answer - Not paying rent, sending money to fictitious lottery

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

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

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

Slide #37: Lunch Break!



Trainer Note: Congratulate participants for a very busy morning. Ask if they have any questions about anything we learned in the morning, since we will be building on it in the afternoon.

Lunch Break – 60 minutes, please remind everyone to return on time

LUNCH BREAK

Undue Influence, Mental Capacity & Financial Exploitation



TIME ALLOTTED: 40 minutes

Slide #38: Undue Influence

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

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Script – Welcome back from lunch - let’s jump right into the next section on undue influence, mental capacity and financial exploitation.

Let’s review the definition of undue influence from Black’s Law Dictionary to get us started:

“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.”

Trainer Tip: You may want to repeat the definition.

You may want to reference back to Mrs. Doe in Activity 3 as an example of undue influence – in that case it was subtle / may not been in play. In contrast – the Dialing for Dollars video showed not subtle but hit you over the head undue influence.

MODULE 12 – NAPSA Core Competencies

Slide #39: UI – How Does It Work?

A presentation slide with a blue and white wavy header. The title is "UI – How Does It Work" in a large, blue, serif font. Below the title is a list of six bullet points in a smaller, black, sans-serif font. The slide number "43" is in the bottom right corner.

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

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

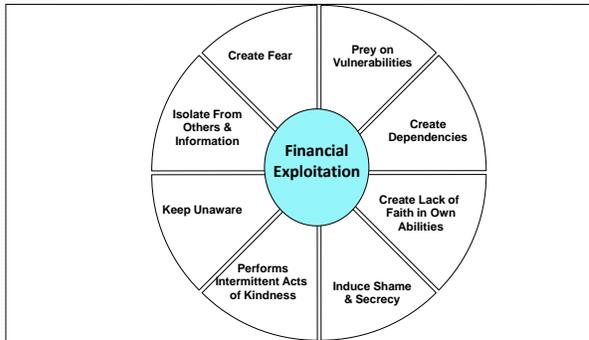
The result is while the victim may appear to have given consent, in reality the victim's free will was overborne through the use of these tactics. This is then not real consent but instead is "apparent consent."

Review Slide –

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

Slide #40: Activity 5 – Undue Influence Wheel

Activity: Undue Influence Wheel



Adapted from Candace Heisler 2009 40

TIME ALLOTTED: 20 minutes

Script – Welcome back! Now we’re going to do an activity that will help us identify undue influence tactics used by perpetrators.

Objective: To raise awareness of undue influence tactics

Method: Small groups with large group processing

Materials: 3x5 cards, paper, pens

Instructions:

1. **Prior** to the training write all the tactics from the undue influence wheel on the backs of 3x5 cards.
2. Direct participants to Activity 5 in their manual
3. Have participants divide into table groups and give each group 1-2 cards. Place the cards face down so they can’t see what’s written.
4. Have groups identify a note taker and someone to report back to the group.
5. Have participants turn over their cards and list as many examples of behaviors they can think of for each category. Give them 3-5 minutes.

6. Have everyone stop writing – ask each group to choose 3 examples from their list to share with the group. Record answers on easel paper. See Activity 5 Answer Key on the next page for sample answers.
7. If there’s time, you may have groups share examples from more than one category.
8. If there’s overlap in answers, ask participants to share examples that haven’t been identified.

To close the activity – remind participants of the following:

- Refer participants to the Undue Influence Wheel handout for their use in the future.
- The examples of behaviors they identified in this activity are often used to gain/maintain power and control in the relationship.
- Often the tactics (Create Fear, Keep Unaware, etc) 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.
- Tactics overlap and merge and are used all the time in different ways.

Activity 5 Group Shout-out Answer Key - Samples Behaviors for Each Undue Influence Tactic

Isolate from others and information:

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

Create fear:

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

Prey on vulnerabilities:

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

Create dependencies:

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

Create lack of faith in own abilities:

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

Induce shame and secrecy:

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

Performs intermittent acts of kindness:

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

Keep unaware

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

MODULE 12 – NAPSA Core Competencies

Slide #41: UI – California: Civil Code 1575 [Outside CA - Insert your State here]

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> 44

Script – [Outside CA - Insert your State here]

Direct participants to **Handout 9 – Undue Influence Statutes & Standards – CA** in their manual.

Ask - Do you recall the slide from this morning that had the legal definition of financial exploitation from Welfare & Institutions Code § 15610.30? Do you recall the third part of the code pertaining to Undue Influence that references Civil Code 1575?

Review slide –

*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.*

There’s a specific statute, Civil Code 1575, which defines undue influence in CA. It states:

Review slide –

*Undue influence consists:
1. In the use, by one in whom a confidence is reposed by another (e.g. confidential relationship – spouse, fiduciary or lawyer), or who holds a real or apparent authority over him (e.g. caregiver, Power of Attorney or Conservator), of such confidence or authority for the purpose of obtaining an unfair advantage over him;*

FINANCIAL EXPLOITATION – TRAINER’S MANUAL

2. In taking an unfair advantage of another's weakness of mind (e.g. dementia, grief or depression); or,

3. In taking a grossly oppressive and unfair advantage of another's necessities or distress (e.g. needing care, after disaster or accident).

Slide #42: UI – California: People v. Brock [**Outside CA - Insert your State here**]

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

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There’s also a particular criminal court case, *People v. Brock* (CA, 2006), 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 (e.g. what the victim was told and what is untrue are necessary pieces).
- “Over-persuasion” is insufficient.
- Undue Influence definition under Civil Code 1575 is inadequate

Please note – *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.

In summary, when investigating APS cases, it is important to be aware of the different undue influence standards to better inform your belief whether undue influence is present or not. It will also give you additional insight into what standards your criminal justice partners use to bring undue influence cases to court.

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.

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- Undue Influence definition under Civil Code 1575 is inadequate
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.

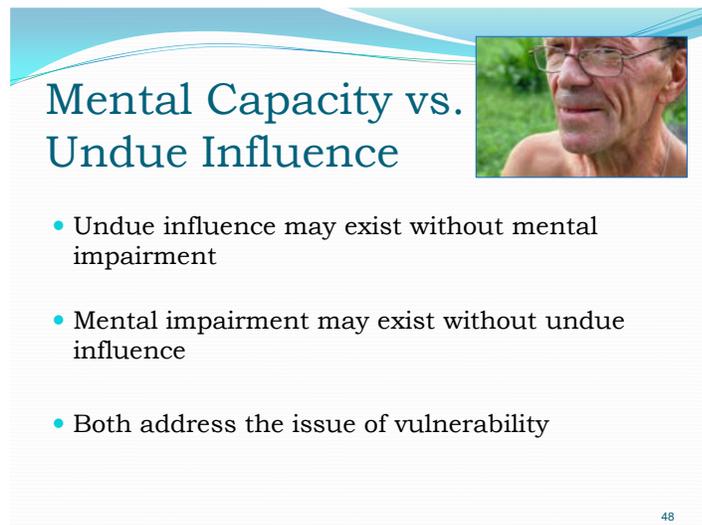
People v. Brock (2007) 143 Cal. App.4th 1266.

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



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

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Script: Because undue influence, like mental capacity, raises the question of whether an individual is acting freely, the two concepts are sometimes confused. It’s important to realize that undue influence and mental capacity are separate issues.

Undue influence may exist without mental impairment; and mental impairment may exist without undue influence.

What they hold in common - Both address the issue of vulnerability.

Undue influence is not a crime, however, if a person takes advantage of an elder’s vulnerability to obtain assets, this may rise to the level of financial exploitation or even a crime.

Trainer Tip: Close the section by reminding participant’s that undue influence is complex and that there is an online E-learning core module developed on undue influence investigation steps to complement and add to what they have learned in this section.

What we covered in the last section was just an introduction to undue influence as financial exploitation cases tend to have elements of undue influence within them and it’s something you should always be on the lookout for in your investigation.

APS Investigation: Steps & Following the Money



TIME ALLOTTED: 40 minutes

Slide #44: Mrs. Roosevelt

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.**

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Script – Now we’re going to revisit a case study we looked at in Activity 4. The client’s name is Mrs. Roosevelt and her bank has just notified APS that there have been sudden, large withdrawals of money from her savings account. Let’s use this case study to review the steps we take in a financial exploitation investigation.

Read case aloud: 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 just received a report from the client’s bank regarding sudden withdrawals of large sums of money from her savings account.**

MODULE 12 – NAPSA Core Competencies

Slide #45: APS Financial Exploitation Investigation – Steps

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)

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Trainer tip: *To encourage participation while reviewing Handout 10 – have large group shout out answers to questions related to the Roosevelt case that are embedded in each investigative step.*

Script – Keeping Mrs. Roosevelt’s case in mind, let’s review **Handout 10 – APS Financial Abuse Investigation Checklist** in your manual – this handout lays out primary steps to take in investigating a financial exploitation case. This handout was developed by Lisa Brand, Alameda County APS (California).

1. Determine the relationship of victim and alleged perpetrator:

- a. Interview victim and alleged perpetrator separately
 - i. ASK – Who are the victim and alleged perpetrator in the Roosevelt case?*
 - ii. ASK - How would you approach your interview with each?*
- b. 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.
- c. It is important, when at all possible, to obtain signed releases from the victim for medical and financial information during this initial interview.
 - i. Please note – Very important that releases not be sought if victim lacks capacity, especially if the case may involve criminal conduct.*

- ii. **ASK - Why should releases not be sought if victim lacks capacity?**

Answer - According to Candace Heisler, JD - This creates a viable defense for the defendant who will argue that if APS believed the victim could consent to a release of records then the defendant could not tell that the victim lacked capacity to consent to transactions in dispute. The defendant will argue it is unreasonable to expect him/her to have known otherwise.

2. Assess the victim for cognitive, visual or hearing deficits:

- a. Such impairments may cause the victim to be unaware of what documents he or she has signed.
- i. **ASK – Does Mrs. Roosevelt have cognitive, visual or hearing deficits?**
 - ii. **If you did not know before your visit, how might you assess for deficits?**
- b. 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 perpetrator, often changes in subsequent accounts of the victim’s abilities and circumstances.
- c. 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 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.
- d. Establish client’s primary language and literacy level.
- i. **ASK - Is the client literate?**
 - ii. **What level of education does the client have?**
 - iii. **Can they read and comprehend medical, financial, social services information?**

- e. Watch the amount of jargon you use in client interactions – it’s really easy to slip into acronyms, abbreviations and terminology that may be inaccessible to the client.
- f. Again, this handout has check boxes to track what you observe and can later elaborate on in your case documentation.
 - i. ***For example - if you check the box “Client exhibits signs/symptoms of psychosis” you would want to document what behaviors you observed in making the decision to check that box.***

Please note that for steps 3-6 – you will need to have access to client and perpetrator records and statements. It is important to review perpetrator records and statements to determine changes and/or patterns of behavior that can assist your investigation.

3. Determine the extent of client’s estate:

- a. These check boxes are important and can help you organize yourself around assessing the client’s entire estate including home ownership, various accounts, home furnishings, and vehicles.
 - i. ***ASK – What are some of the things we currently know about Mrs. Roosevelt? Does she own her home? Is the alleged perpetrator’s name on her bank accounts?***

4. Determine ownership of real property:

- a. These check boxes get into the nitty gritty of assessing potential financially exploitative behavior or patterns of behavior by the alleged perpetrator(s).
- b. Questions to ask yourself while determining ownership of real property:
 - i. ***ASK - Has there been a recent title or deed transfer from client to alleged perpetrator?***
 - ii. ***Has there been a transfer of property?***
 - iii. ***Ask participant what are other questions to ask regarding real property?***
- c. If this information for client or alleged perpetrator is not readily available, it may be accessed through public records such as tax records, titles and

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deeds. Depending on jurisdiction, you may also request a property search through the Assessor’s office.

5. Assess client’s finances:

- a. Another extremely important step in your investigation is to assess the client’s finances. Again, you will need access to relevant records such as:
 - Bank statements – review at least the last 6 months
 - Credit card statements
 - Utility bills
 - Rent receipts
 - Mortgage payments
 - Others?
- b. Questions to **ASK** yourself while assessing the client’s finances:
 - i. Does the client handle their own finances? Do they pay their own bills?*
 - ii. Does the client have a representative payee? Is it the alleged perpetrator?*
 - iii. Does the client have DPOA for finances? For health care decisions?*
 - iv. Is the alleged perpetrator the DPOA?*
 - v. What is the method that client receives income – paper check, direct deposit, recent changes?*
 - vi. Does the client have an ATM card? Are they aware that they have an ATM card?*
 - vii. Does alleged perpetrator have access to ATM card?*

6. Steps to follow-up on misused bank accounts:

- a. Remind participants that these are general guidelines and they need to work within their agencies’ policies and procedures for these cases.
- b. Contact the bank immediately and request that it “flag” the account, and observe with caution.
- c. You can access information regarding the client’s account by visiting the bank with the client, requesting the DPOA for finances (if appropriate) to

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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.

- d. 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.

- e. Request copies of past bank statements and pertinent cancelled checks.

Note- it’s important to request copies from before the suspicious transactions began to determine the routine spending patterns and habits of the victim.

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

- i. **ASK how do these steps relate to or may differ from Mrs. Roosevelt’s case where the bank reported to APS?***

7. **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 will want 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.

Trainer Tip - Ask if participants have any questions regarding these steps or what was reviewed in this handout.

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.

MODULE 12 – NAPSA Core Competencies

(Check all that apply)

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

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

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

- Client owns own home
- Client owns other real property
- Client has bank account(s) and/or CD(s)
- Client has a brokerage account and/or other stocks owned
- Account(s) are in client’s name only

- Alleged abuser’s name is on account(s)
- Joint account is an “or” account
- Joint account is an “and” account
- Changes reported in client’s deposit/withdrawal habits

- Client home furnishings/other personal property of value reported missing
- Vehicle(s) owned by client
- Client’s name only name on vehicle title
- Alleged abuser’s name only name on vehicle title
- Auto insurance in force/insurance in client’s name
- Client’s auto is registered with DMV in abuser’s name
- Client is unable to drive
- Alleged abuser drives client’s vehicle

- Client’s vehicle is kept at the abuser’s address
- Big screen TV seen in client’s home

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

- Assessor’s records have been searched
- An in-house “Property Research Request” is needed to establish chain of title

- Client and alleged abuser’s claims of ownership agree
- Client and alleged abuser’s claims of ownership don’t agree

- Client’s name is only name on the deed
- Alleged abuser’s name has recently been added to the deed
- Alleged abuser has removed client’s name from the deed.

- Client pays mortgage, or is on the rental agreement/lease
- Client’s real property has been refinanced.
- Client is aware/understands property has been refinanced
- Client is aware/understands the amount/terms of the refinance
- Client’s real property(s) has been refinanced frequently and equity depleted
- Evidence of shopping addiction on the part of client
- Evidence of gambling problem on the part of client
- Evidence of a shopping addiction on the part of the abuser
- Evidence of a gambling addiction on the part of the abuser

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

V. Client’s finances (Check all that apply)

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

VI. Follow-up on misused bank accounts

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

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

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

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

VII. Contact Law Enforcement

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

Client Name _____ **Case No.** _____

Worker Name _____ **Date** _____

Recommendations:

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

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

MODULE 12 – NAPSA Core Competencies

Slide #46: Follow the Money!

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?

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Script – Before we get to our final case study activity to practice all our new skills – let’s talk about following the money. I can’t emphasize enough how important it is to follow the money during the course of your investigation. Following the money can be as simple as answering the “Who, What, When, Where, Why and How” of the case. Answering these questions can reveal a mountain of information. Let’s review:

- **Who?**
 - Who had it and who has it now?
 - Who was involved?
 - Who else has knowledge of the incident?

You want to make sure that you know who the players are. This should be the easiest question to answer but any investigation can turn an unexpected corner and reveal other players - victims or alleged perpetrators. Always be open to finding more information than you expect.

- **What?**
 - What was taken? Money? Jewelry? Property?
 - What happened?

Again, fairly straight forward, however, with any APS investigation, keep your mind open and alert for additional mistreatments as well as additional victims. One of your primary responsibilities is not only to investigate the allegation that has been assigned to you, but also to ensure that both the alleged victim as well as any other potential victim is identified and protected.

CONTINUE

MODULE 12 – NAPSA Core Competencies

- **When?**
 - When did it happen?
 - When was it discovered?
 - When was it reported?
 - Can a time line be established which can guide the investigation in searching for evidence during a particular period?

You have to ask yourself, “is this a onetime occurrence or has it been going on for some time?” The answer to this question will help determine what kind of evidence and how much evidence you will be looking for. It will also guide you when interviewing those involved in the case.

- **Where?**
 - Where did it happen?
 - Where were all the players at the time of the incident?

This is an important question to ask in determining jurisdiction and partners you may need to work with on the case.

- **Why?** - A word of *caution*: It’s important not to focus on suspect’s motivation – why he/she did what he/she did - until facts and evidence are gathered. Too much focus on motivation may sidetrack an investigator and lead to disregarding evidence that may not support a particular motivation. Instead focus on asking questions that clarify and assist in determining how to best assist the victim.

These questions were adapted from materials created by Candace Heisler, JD.

- Whose idea was the transaction?
- Did the victim have time to think over the transaction?
- Was the victim rushed to act?
- Was the transaction fully explained?
- Were promises made? Threats?
- At the time of the transaction(s) was the victim able to give consent to the transaction?
- Does the victim understand the transaction?

The answers to “Why” questions may guide you in your fact finding and will also identify what services may need to be implemented to protect the victim.

CONTINUE

- **How?**
 - How did the alleged exploitation occur?
 - Was there a single act or many occurrences?
 - How is the alleged exploitation to be documented and proven?
 - Are there valid documents which can be identified and acquired that will confirm the allegation?
 - Can sufficient evidence be gathered and in what form can the evidence be preserved?

Now you have to prove it! This is your job - finding the “How”.

It’s easy if you have an alleged perpetrator who tells you everything. However, don’t hold your breath that they will. Your job is to prove how the financial exploitation was perpetrated against the victim.

Slide #47: What Do I Do Now?

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.

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Script – Okay, so you completed your investigation, “followed the money” and financial exploitation is confirmed – now what? Before we go to the case study activity let’s quickly review some intervention steps:

- Contact law enforcement to cross-report (if you have not already done so or if there’s an update on the case)

Trainer Tip: *Have group come up with options if the person has capacity or lacks capacity.*

- If person has capacity, possible options:
 - Advanced legal planning – DPOA, Rep Payee, Trust
 - Money management (family, friend or community agency)
 - Peer program
 - Restraining order
 - Lawsuit against perpetrator
- If person lacks capacity, possible options:
 - Probate conservatorship
 - Private fiduciary
 - Surrogate
 - Money Management
 - Existing POA (not perpetrator)
 - Trust
 - Legal disability advocate

Regardless, your #1 task is working to get the client safe.

CONTINUE

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Trainer tip: If there’s time, it may be helpful to refer back to Activity 4 – Screening for Capacity and discuss possible interventions or strategies for one or two of the scenarios. This is a valuable “teach back” moment!

SLIDE 48 - Break

Script - Let’s break for 15 minutes break and come back ready for the case study activity

BREAK
15 minutes

Activity: Case Study



TIME ALLOTTED: 45 minutes

Slide #49: Activity 6 – Case Study

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!



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TIME ALLOTTED: 40 minutes

Instructions:

Small Groups – Time Allotted: 15-20 minutes

1. Refer participants to Activity 6 in their manual
2. Have participants divide into table groups
3. Have participants individually read the case study – “Yanna”
4. Have groups identify a note taker and someone to report back to the group.
5. Pass out flipchart paper and marker.
6. Assign each table group 2-3 questions from page 3. If you have less than 30 participants, assign groups 3-4 questions. If some questions aren’t assigned, cover during report out as large group shout out.

| |
|----------|
| CONTINUE |
|----------|

7. Have participants work in their small groups to complete the activity on page 3 – give them 15 minutes to work on the questions and discuss answers.
8. Remind them that this activity is drawing on knowledge and skills learned in this training thus far and they may refer back to their materials.

Large Group Report Out – Time Allotted 20-25 minutes

1. Bring small groups back to large group for report out.
2. Rotate through the groups for answers to each question – if a group is stumped, ask for a volunteer to help them out.
3. Try to move through all the questions – don’t get stuck.
4. Ask if participants would add anything else to enhance the investigation of Yanna’s case.

Trainer Tip - To close the activity – ask participants:

- *If they felt the activity allowed them to use their newly attained knowledge and skills?*
- *Can they see how this information can be utilized in the field?*

Trainer Note: Activity 6 Questions and Answer Key is located on the next page.

Activity 6 APS Investigation: Case Study Question & Answer Key



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.

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

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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.

Activity & Answers

1. Identify the six key steps in a financial exploitation investigation:
 - a. *Determine the relationship of victim and alleged perpetrator*
 - b. *Assess the victim for cognitive, visual or hearing deficits*
 - c. *Determine the extent of client’s estate*
 - d. *Determine ownership of real property*
 - e. *Assess client’s finances*
 - f. *Follow-up on misused bank accounts*
 - g. *Contact law enforcement (before, during or after initial investigation)*

2. What are the indicators that financial exploitation may be present in this case?
 - *Unnecessary repairs to the home*
 - *Client isolating herself*
 - *No money in the account*
 - *Changes in behavior and appearance*

3. Could undue influence be present as well? What are some likely tactics being used?
 - *Yes. Tactics are preying upon vulnerabilities – possible language or dementia. Befriending and preying on fears.*

4. How would you establish rapport with Yanna so she will feel comfortable with your questions?
 - *Reassure her, APS is here to protect her and help her*

 - *Keep conversation non-invasive, start by discussing art, pets, her garden, etc.*

5. Develop 2-3 questions to elicit information on Yanna’s understanding of her situation.
 - *How is your relationship with your son?*

 - *Why or how did the contractor contact her?*

 - *Is the contractor licensed?*

 - *How much is the contractor being paid?*

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- *What are your finances like – past and present? How much money do you have in your checking account?*
6. Develop 2-3 questions that will help you assess the quality of Yanna’s cognitive processes.
- *Who pays your bills? How are they paid? (past and present)*
 - *Questions about POA – When was it executed/how long ago? Why was it executed?*
 - *Do you understand the cost of the roof repairs?*
 - *Are you aware of your assets/income? Do you receive a monthly check from Social Security? Do you have a checking account/saving account/stocks/credit cards? Do you own your home?*
7. How might you assess her abilities to understand and follow instructions? To make and execute a plan? To understand the risks and benefits of a choice? Some examples of executive function:
- *Have her open a letter from the bank and explain what it is.*
 - *Have her write a check for a bill, seal the bill, stamp the bill and mail it.*
 - *Have her show you a utility bill – ask questions about the company, how much is owed, when the bill is due, how often is it paid, etc.*
 - *Have her make a cup of tea.*
 - *Have her show you her medications and explain what they’re used for.*
8. Are there risk factors identified in this case? What are some of the potential risk factors to Yanna?
- *Yes. Potential risk factors:*
 - *Isolation*
 - *Changes in behavior*
 - *Fearfulness*
 - *Decline in mental functioning*
 - *Unknown contractor*
 - *Change with pet*

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9. Identify who is involved in this case – victim(s), alleged perpetrator(s), and collaterals.
- *Reporter, daughter of reporter, victim, alleged perpetrator, victim's son, bank, deceased spouse (refinanced house?), physician, pharmacist*
10. Who would you interview in this case?
- *Son, contractor, victim, bank, accessor's office, doctor, reporter, reporter's daughter*
11. Develop 2-3 questions for each person identified in Question 9.
- Son*
- *Are you aware of changes with your mother?*
 - *Are you power of attorney for your mother?*
 - *Are you paying bills for your mother? Are you her rep payee?*
 - *Do you know a contractor is working on your mom's house? Did you hire the contractor?*
- Contractor*
- *Do you have a license?*
 - *Who hired you? For what?*
 - *How much have you been paid?*
 - *What work have you completed?*
12. How would you access records in this case for both alleged victim and alleged perpetrator(s)?
- *Victim's consent (does she have capacity, be careful)*
 - *Surrogate's consent – can son give consent?*
 - *Law enforcement*
 - *Better Business Bureau (BBB) – look for records of complaints against contractor.*
 - *State Contractor Licensing Board*
13. Explain what steps you may take to “follow the money” in this case (*Tip - Who, What, Where, When, Why & How?*)

Document created by the APS Training Project - Bay Area Academy/SFSU for APS Core Module 12: Financial Exploitation - 2009.

APS Investigation: Challenges to Investigation & Partners in the Field



TIME ALLOTTED: 20 minutes

Slide #50: Challenges to Investigation

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?

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Script – So far we have discussed the perfect scenario – the financial exploitation case in a bubble impervious to complications and challenges. Well, I don’t know about you but that’s not the world I live in and investigating financial exploitation cases can be quite challenging with lots of twists, turns and barriers.

So let’s take the case of “Yanna”, since she is fresh in our minds:

Trainer Note: Part 1 - In large group shout-out format (5 minutes)

- Part 1 Large Group - What are some potential challenges or barriers we may face in investigating Yanna’s case?
 - Shout out - list challenges on easel paper

CONTINUE

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Trainer note: Part 2 have participants work with their table groups for 2-3 minutes to brainstorm strategies, then large group shout out of strategies for 5 minutes

Okay, now that we have a list of challenges:

- Part 2 Small Groups - How can we brainstorm strategies to overcome these challenges or barriers in Yanna’s case?
 - Large Group Shout out – list strategies on easel paper

Trainer note: Part 3 Large group shout out for 5 minutes and then a couple minutes to wrap-up.

- Part 3 Large Group - Who are the partners in the field that we can collaborate with to overcome challenges or barriers in Yanna’s case? (e.g. public health nurse, behavioral health specialist, law enforcement, bank, public guardian, FBI, etc)
 - Shout out – list potential partners on easel paper
 - Note that access to various resources and partners will vary by county/agency.

Trainer note: Depending on jurisdiction other important partners are Multi-Disciplinary Teams (MDT’s) and Financial Abuse Specialist Teams (FAST’s). Work with your supervisor to see if these resources are available for you.

Trainer Tip – To wrap up this segment remind participants that they will undoubtedly hit barriers in their investigations – it happens to everyone. What to do is work with their supervisor, partners and utilize the skills and knowledge they have acquired in this class today and future skills they will acquire in the field as their APS career progresses.

Financial Exploitation Prevention Efforts



TIME ALLOTTED: 15 minutes

Slide #51: Prevention Methods

Prevention Methods

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

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Script - We would be remiss if we didn't talk about how we can prevent financial exploitation from happening in the first place. So to wrap up our training today we will be discussing three (3) prevention methods:

- Legislation
- Mandated reporter education/training
- Education/empowerment programs for seniors and dependent adults

Slide #52: Legislation – CA [*Outside CA - Insert your State here*]



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.

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Script - [*Outside CA - Insert your State here*]

In recent years, California has passed two laws expanding the scope of prevention and reporting efforts:

- SB 1018 – The Financial Abuse Reporting Act was enacted into law January 1, 2007.
 - Requires that bank employees who suspect elder financial abuse immediately notify Adult Protective Services or law enforcement authorities.
 - Under SB 1018, institutions are protected from criminal or civil liability or private lawsuits, even if workers don't report suspected abuse. However, the law requires any employee "who reasonably suspects ... abuse based solely on the information before him" to report it.
- SB 1550 – The Professional Fiduciary Act was enacted into law July 1, 2008.
 - Professional Fiduciary Act requires private professional conservators, or fiduciaries, to be licensed through the state Department of Consumer Affairs.
 - SB 1550 Professionals are required to take a competency test and be licensed by July 1, 2008, in order to be a court-appointed conservator.

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Slide #53: Mandated Reporter Education and Training – CA [**Outside CA - Insert your State here**]

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



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Script – [**Outside CA - Insert your State here**]

Just because someone is a “mandated reporter” does not mean they automatically understand their obligation to report suspected elder and dependent adult abuse and neglect. Nor does it mean they are versed on the signs and signals of exploitation. Lastly, they may be concerned about their “liability” if they report.

APS and other partner agencies try to provide education and training to mandated reporters who may be in the best position of detecting and reporting financial exploitation – these would include:

- Banking and Credit Union staff
- In-Home Supportive Services (IHSS)
- Medical professionals including dentists, hospital discharge planners and EMT’s
- Humane Officers/Animal Control
- Others?

More outreach is always needed and targeting education and training of non-mandated reporters is important as well. Some professionals who would benefit from targeted outreach are:

- CPA’s
- Notaries
- Financial Planners

Ask – Are there other groups of non-mandated reporters that would benefit from education and training on the detection of financial exploitation?

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Slide #54: Education & Empowerment – CA [**Outside CA - Insert your State here**]

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

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Script - [**Outside CA - Insert your State here**]

One of the best ways to prevent financial exploitation is to educate and empower potential targets with the information and tools they need to keep themselves and their peers from falling prey to predators.

Let’s review a few models:

- C.A.S.E. Partnership – Communities Against Senior Exploitation – Originally developed by the Denver, CO District Attorney’s office. CASE’s tagline is *Power Against Fraud* and indeed that is exactly what it tries to accomplish by extensive training and outreach to seniors in the community. In San Joaquin County, where C.A.S.E. has been implemented, it is housed within the D.A.’s office and works closely with APS. “The Power Against Fraud” seminar is highly interactive and focused on simple, effective prevention steps to fight all types of fraud including identity theft, telemarketing fraud, door-to-door scams, internet fraud, charity scams, street cons, etc.

Refer participants to **Handout 11 – C.A.S.E.’s Test your Fraud IQ** quiz so they can test their “Fraud IQ”

- C.A.R.E. Program – Curtailing Abuse Related to the Elderly – is a program in Riverside County that was formed in response to the service needs of victims of elder abuse and consumer crime. Under the umbrella of Adult Protective Services, C.A.R.E. investigates incidents of consumer fraud against elder or dependent adults and assists victims in resolving the situation and protecting themselves. The program also addresses elder abuse issues through education

CONTINUE

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and training in partnership with public and private sector agencies.

- C.A.R.E. Program targets four (4) areas:
 - Direct Consumer Advocacy - assists victims of such consumer fraud as telemarketing, investment, sweepstakes and real estate scams or contractor and automotive repair schemes.
 - Community Anti-Fraud Education - takes anti-fraud information into the community to empower seniors and prevent fraud from occurring.
 - Gatekeeper Training component - teaches recognition and reporting of all types of elder and dependent adult abuse to members of the community who have regular contact with this population.
 - C.A.R.E. Program - provides coordination and support for Riverside County’s three regional multidisciplinary “C.A.R.E.” Teams.

More information can be found on Riverside County Department of Public Social Services website at <http://dpss.co.riverside.ca.us/AdultServices.aspx>

- Elder PEACE – is a citizen action group dedicated to elder abuse prevention, education, advocacy and collaboration. Elder PEACE is unique in that they utilize the voices of those who have been personally affected by elder abuse. Victims, their families and others work together to advocate for legislation that increases the health and safety of vulnerable seniors. More information can be found on UC Irvine Center of Excellence in Abuse and Neglect’s website at <http://www.centeronelderabuse.org>

Trainer Tip - To wrap up this section, refer participants to Handout 12- an Elder Safety Card that was developed by Nora Baladerian as a financial abuse protection plan. It can be used as a resource by you and your clients.



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!

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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,

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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.

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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.

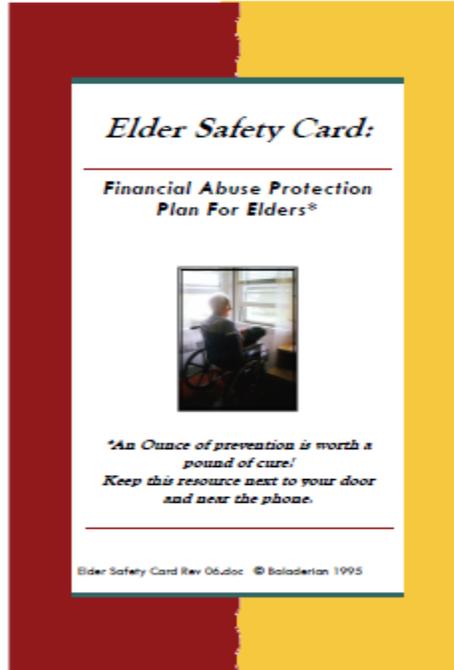
4. NEVER REVEAL YOUR TOTAL ASSETS

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.



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 house repairs, do difficult 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 away

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

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.

Closing & Evaluations



TIME ALLOTTED: 15 minutes

Slide #55: Questions, impressions and evaluations!

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

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Evaluations – Allow 15 minutes

Trainer Tip: Refer to the white board or poster paper with the learning objectives (LO’s) and quickly review them - this will help participants make the connection between the LO’s and the knowledge they acquired to complete the post-test.

All evaluation materials are located in the **Evaluation Manual**.

1. Out of class activity review

Instructions: Direct participants to **APS Financial Exploitation Transfer of Learning (TOL) Activity**. Review briefly the out of class activity instructions – have participants use their unique ID code and write their last name and first initial on the top right corner.

1. Read the following brief scenarios and complete the 3 questions that follow each scenario.
2. After completing this activity, schedule a time with your supervisor or a senior staff member to discuss your answers.

CONTINUE

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3. Please mail to Krista Brown in the pre-addressed/posted envelope provided. Please include a return address as your certificate of completion will be mailed to you after receipt.

See if participants understand how it will tie into the skills they learned in class today. All information they need to complete the activity is explained on a handout in their evaluation materials.

Please remind the class that the out of class learning activity must be completed and submitted within 2 weeks of the training date.

2. In-class evaluation process

Instructions: In-class evaluation documents include:

- ***APS Financial Exploitation Knowledge Assessment – Post Training***
- ***APS Core Curriculum Demographic Survey***
- ***Bay Area Academy Training Evaluation-Participant Satisfaction Survey***

Describe the importance of their participation and feedback in the evaluations. Evaluation instructions are provided on the individual evaluation components – review each with class before beginning and ask if there are any questions.

Remind participants to write their ID code in the space at the top right corner of ALL evaluation materials – they will find the code they created in the morning on the ID code assignment handout.

Thank them for their participation and their hard work.

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

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