

Executive Summary

APS Investigations Involving Allegations of Undue Influence

APS professionals often investigate complex cases of financial exploitation. Cases may be especially difficult when they involve allegations of undue influence, that is, when the will of the perpetrator is substituted for the true wishes of the client, often contrary to longstanding patterns of conduct and against their best interests. Undue influence is difficult to define and can be frustrating when criminal justice professionals deem the matter as a civil case, without any criminal inquiry. Clients may have full decision-making ability, diminished ability, and/or other circumstances that make them vulnerable to undue influence.

This course will offer definitions and frameworks to increase identification of undue influence situations, including introducing a tool developed for Adult Protective Services to use when undue influence is suspected. Using relevant laws, it will suggest situations in which undue influence may be part of a crime, explore how to investigate and document the elements, and will discuss common influencer explanations when undue influence is suspected.

Goal

By the end of the course, participants should be able to distinguish cases of undue influence from other situations, know how to conduct the investigation, interview the client and others, and effectively document the evidence using the tool.

Instructor-Led Training

This course was developed to be delivered either in-person or virtually. Depending on the modality, the following instructional strategies are used throughout the course: short lectures (lecturettes); interactive activities using a case scenario, breakout groups, chat box discussions, and large group discussions. PowerPoint slides are used to stimulate discussion.

Participants will need their participant manual either printed or sent virtually. If training virtually, access to a computer with video conferencing capability and be able to connect to the virtual platform being used to deliver this

training is essential. A headset or earbuds with microphone and a video camera are highly encouraged.

Course Requirements

This workshop is intended for APS professionals and supervisors who have previously completed a course on financial exploitation investigations, the eLearning on Undue Influence titled "*Undue Influence: What APS Needs to Know*", or have significant experience handling financial exploitation investigations.

Intended Audience

This course is designed for APS professionals and supervisors who have previously investigated allegations of financial exploitation. The length of the course limits review of basic financial exploitation investigative principles. It will be particularly useful for APS professionals who are dealing with or have already dealt with cases in which undue influence was alleged or was discovered.

Learning Objectives

After completing this course, participants will be able to:

- Define undue influence through legal and psychological lenses, including cases in which the alleged perpetrator has a professional relationship with the person being harmed
- Describe how consent and decision-making ability relate to undue influence
- Describe investigative steps and how to document an undue influence investigation
- Describe how undue influence can be part of a crime in California