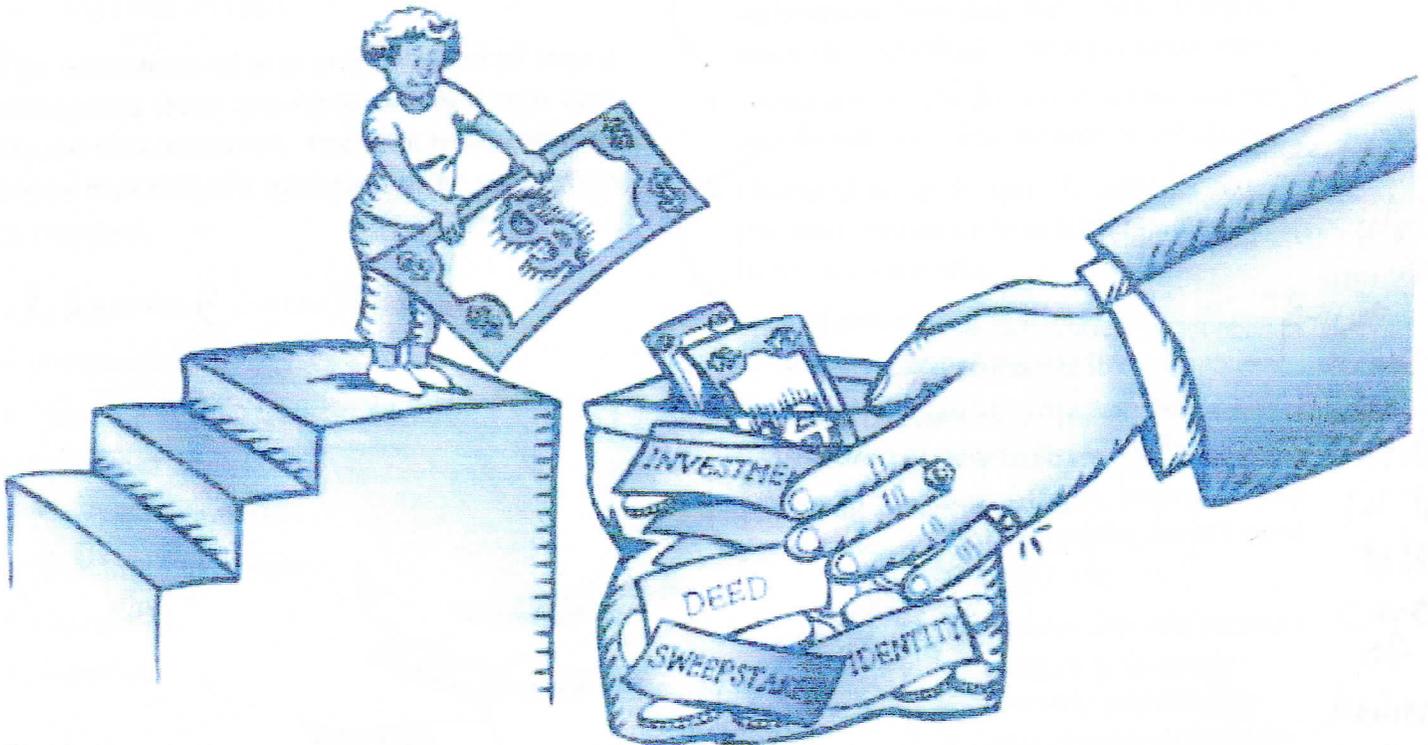


Part B Financial Elder Abuse



What is Financial Elder Abuse?

Financial abuse is the theft or embezzlement of money or any other property from an elder. It can be as simple as taking money from a wallet and as complex as manipulating a victim into turning over property to an abuser. This form of abuse can be devastating because an elder victim's life savings can disappear in the blink of an eye, leaving them unable to provide for their needs and afraid of what an uncertain tomorrow will bring.

Maureen kept saying to Alan, Sylvia is crazy

crazy
Sylvia's crazy

Recognizing the Warning Signs

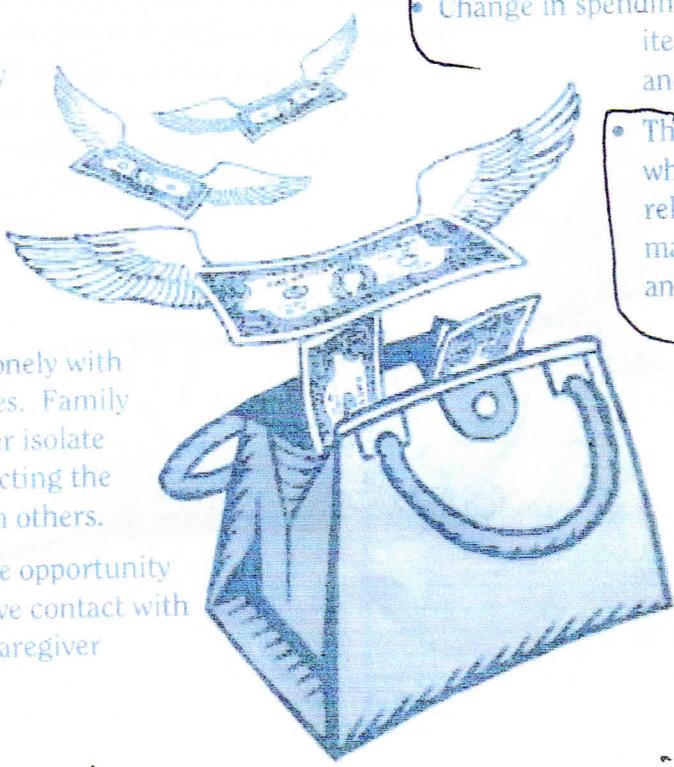
The existence of any one or more of these indicators does not necessarily mean that abuse has occurred. Instead, treat them as signs that diligent attention or investigation is needed.

Behavioral warning signs:

- Withdrawn
- Confused or extremely forgetful
- Depressed
- Helpless or angry
- Hesitant to talk freely
- Frightened
- Secretive

Isolation warning signs:

- Elder is isolated or lonely with no visitors or relatives. Family members or caregiver isolate the individual, restricting the person's contact with others.
- Elder is not given the opportunity to speak freely or have contact with others without the caregiver being present.



Other warning signs include:

- Unusual bank account activity, such as withdrawals from automatic teller machines when the individual cannot get to the bank.
- Signatures on checks and other documents that do not resemble the elder's signature.
- Checks or other documents signed when the elder cannot write or understand what he or she is signing.
- Lack of personal amenities – appropriate clothing and grooming items.
- Numerous unpaid bills when someone else has been designated to pay the bills.
- Change in spending patterns, such as buying items he or she doesn't need and can't use.
- The appearance of a stranger who begins a new close relationship and offers to manage the elder's finances and assets.

Sylvia would let home health aids in to take care of Maureen (Tub Broken as well)

Sylvia took away Maureen's phone in bedroom (immobile/wheelchair - died being unable to call 911)

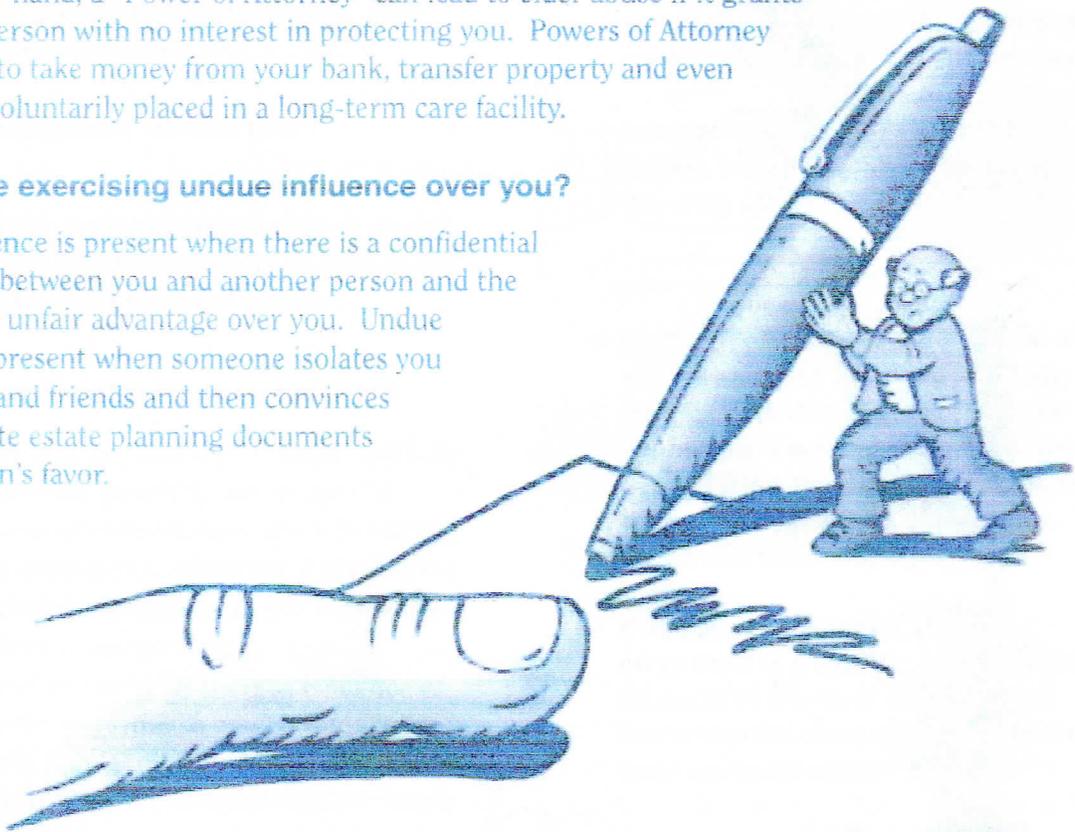
Estate planning hazards:

"Estate planning" is the ordering of one's affairs so that personal and financial matters will be taken care of upon death or incapacitation. Estate planning devices may include wills, trusts, powers of attorney, advance health care directives and joint tenancies.

People can take advantage of the power given to them in estate planning devices. For example, a "Power of Attorney" works well if it contains clear directions that reflect your wishes and vests your care and well-being with a reliable individual. On the other hand, a "Power of Attorney" can lead to elder abuse if it grants power to a person with no interest in protecting you. Powers of Attorney can be used to take money from your bank, transfer property and even have you involuntarily placed in a long-term care facility.

Is someone exercising undue influence over you?

Undue influence is present when there is a confidential relationship between you and another person and the person gains unfair advantage over you. Undue influence is present when someone isolates you from family and friends and then convinces you to execute estate planning documents in that person's favor.



7
Can a conflict of interest occur between you, the person preparing your estate plan and the person benefitting from the arrangements?

A conflict of interest may occur when a person who is going to benefit from your estate planning, such as a beneficiary to your will, arranges to have you meet with a financial planner or attorney, directs the professional advisor as to what is to be done and/or pays the professional advisor's fees.

Who might financially abuse you?

Conservators, caregivers, agents acting under durable powers of attorney, trustees, representative payees, financial planners, attorneys, family members and friends can be potential financial abusers.

Are there remedies for financial abuse?

The best remedy is to prevent the abuse by carefully choosing trustworthy people to act as agents, successor trustees or conservators when preparing estate planning documents. However, if you believe that a person already designated is not acting in your best interests, you can amend or end a power of attorney or revocable trust. You can also demand an accounting. If there is evidence of mismanagement, the agent also can be required to make restitution to you. Victims can seek assistance from law enforcement or file a civil lawsuit. Punitive damages may be imposed if there is evidence of oppression, fraud or malice.

REPORTING ELDER ABUSE

- Any person who suspects that abuse of an elder has occurred should report it. When in doubt, always err on the side of caution and report.
- Abuse can continue and often escalates if there is no intervention. Known or suspected cases of abuse should be reported to the appropriate agencies or to local law enforcement.
- Intervention can often save the assets, health, dignity or even the life of an elder.

HOW TO REPORT ELDER ABUSE

- If a known or suspected instance of elder abuse has occurred in a long-term care facility, the report should be made to the local Long-Term Care Ombudsman, the local law enforcement agency or the Bureau of Medi-Cal Fraud and Elder Abuse.*
- If abuse has occurred anywhere other than in a facility, reports should be made to the local county Adult Protective Services agency or to the local law enforcement agency.*
- The reporting person is protected from both criminal and civil liability.

*See chapter 2 (starting on page 20) for more details on how to file a report and how to contact your nearest reporting agency.