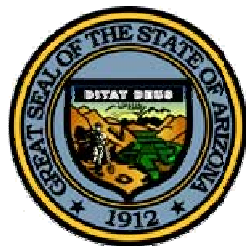


FINANCIAL EXPLOITATION OF THE ELDERLY



HOW FINANCIAL INSTITUTIONS CAN HELP



United Way of Tucson
and Southern Arizona

This document created by
Arizona Elder Abuse Coalition

TABLE OF CONTENTS

	Page
Introduction -----	3
What is Financial Exploitation? -----	4
Types of Exploitation -----	5
Profiles of Victims and Perpetrators -----	6
Warning Signs of Financial Exploitation -----	7
How Financial Institutions Can Help -----	8
Preventing Exploitation through Interventions -----	9
Preventing Exploitation through Counseling -----	10
State and Federal Statutes -----	12
Arizona Statutes -----	12
Federal Laws -----	14
How and Where to Report Elder Abuse -----	15
Definitions -----	19
Signs of Abuse, Neglect and Exploitation -----	20
Case Studies in Financial Exploitation -----	21

*We gratefully acknowledge the Missouri Department of Health and Senior Services
for sharing their material found in MO\$AFE,
Missourians Stopping Adult Financial Exploitation.*

INTRODUCTION

Elder abuse is a serious problem. In Arizona, between 4,600 and 6,900 seniors will experience some type of abuse each year. Reports of abuse have increased 150% over the last decade. Older adults may become vulnerable due to isolation, physical or mental disabilities and dependence on others for assistance. This vulnerability makes them easy targets for physical, emotional and sexual abuse, neglect, financial exploitation and fraud. Abuse always occurs when there are no witnesses.

Older seniors and those very dependent on others are the most frequent victims. Most victims of abuse are Caucasian (75%) and female (63%). Some victims live alone (35%) and some with family (27%).

Elderly victims are often reluctant to report abuse because they feel ashamed, embarrassed, humiliated, afraid, and may even defend the abuser. That is because perpetrators of abuse are generally family members (28%), caregivers (17%), or friends and neighbors (7%). Victims frequently rely on the abuser for some type of caregiving services at home and are afraid if the abuse is reported they will be placed in a nursing home. Some victims are actually able to convince themselves that they deserve the abuse or exploitation. Authorities estimate that the number of abuse cases that are reported represents only 25% of the cases that actually occur.

The most prevalent type of abuse referred to law enforcement is **financial exploitation** and fraud. The most common characteristics of victims of fraud and exploitation are that they are gregarious (need interaction), compulsive (cannot pass up a good deal), have a sense of machismo (believe they cannot be fooled), vulnerable (have experienced a recent trauma) and naïve (they want to believe everything they have been told is true).

There is a compelling need to make all seniors aware of how to protect themselves from violence, abuse and exploitation. Family, friends, volunteers, caregivers and employees of financial institutions must learn to recognize the signs of elder abuse or exploitation, the questions to ask the victim to verify that abuse has occurred, and where to go for help from law enforcement and Arizona Adult Protective Services.

WHAT IS FINANCIAL EXPLOITATION?

Arizona Statutes define financial exploitation as “the illegal or improper use of an incapacitated or vulnerable adult or his resources for another’s profit or advantage.” This type of exploitation can take many forms such as forgery, misappropriation of cash or assets, abuse of joint accounts, or abuse of power of attorney. Signs of financial exploitation may include disparity between income and assets, unexplained or sudden inability to pay bills, inaccurate or no knowledge of finances, fear or anxiety when discussing finances, or unprecedented transfer of assets to others.

Financial exploitation of a vulnerable adult can occur:

1. Without the elder’s knowledge
2. By trickery, intimidation, or coercion, or
3. When the elder is too confused to give informed consent

A slight majority of financial exploitation victims are elderly females over age 70 who reside alone. They may also suffer from one or more physical or mental impairments.

Perpetrators are most often relatives of the victim, typically the adult children.

Nationwide financial exploitation is the third most frequent form of abuse after neglect and emotional abuse. Estimates are that 30-40% of elder abuse involves some form of financial exploitation.

Financial exploitation of elders can be life threatening. The Sept/Oct 2000 issue of *Victimization of the Elderly and Disabled* says the mortality rate of financial exploitation victims is three times higher than those who have not been exploited. In addition when an elder’s funds are depleted he or she has limited options and becomes more dependent on others.

TYPES OF FINANCIAL EXPLOITATION

Financial exploitation of elders can generally be classified in two broad categories:

- 1) Exploitation by a person known to the victim, such as a family member, acquaintance, caregiver, person acting with power of attorney, or court appointed fiduciary. Examples include:
 - ❖ Obtaining money or property by undue influence, misrepresentation, or fraud. The perpetrator coerces the elder into signing over investments, real estate or other assets through the use of manipulation, intimidation or threats.
 - ❖ Improper or fraudulent use of the power of attorney or fiduciary authority. The perpetrator improperly or fraudulently uses the power of attorney or fiduciary authority to alter an elder's will, to borrow money using an elder's name, or to dispose of an elder's assets or income.
 - ❖ Misappropriation of income or assets. The perpetrator obtains access to an elder's social security checks, pension payments, checking or savings account, credit card, or ATM card, or withholds portions of checks cashed for an elder.
 - ❖ Charging excessive rent or fees for services. The perpetrator charges an elder an excessive rent or unreasonable fees for basic care services such as transportation, food, or medicine.

- 2) Exploitation by a stranger, including con artists, unscrupulous salesmen or contractors, or person representing a bogus charity. Examples include:
 - ❖ Bank Examiner Scam – perpetrator represents him/herself as a bank examiner and convinces an elder to make a large withdrawal to help catch a dishonest bank employee
 - ❖ Pigeon Drop – perpetrator claims to have found a sum of money and offers to split it with an elder provided the elder first withdraws an amount equal to his or her share as a sign of good faith.
 - ❖ Fake accident ploy – perpetrator convinces an elder that the elder's adult child has been seriously injured or is in jail and needs money for medical treatment or bail
 - ❖ Telemarketing and mail fraud – perpetrator persuades an elder to buy a valueless or nonexistent product, donate to a bogus charity, or invest in a fictitious enterprise.
 - ❖ You've just won a prize! – perpetrator tells an elder that he or she has won a nonexistent prize or foreign lottery and obtains the elder's credit card or checking account number to pay for shipping and handling charges or to verify the elder's identity, or asks the elder to wire money to cover the custom fees or taxes on the prize.
 - ❖ Unsolicited work – perpetrator arrives unexpectedly at an elder's residence and offers to perform work for a reasonable fee; after starting the work, the perpetrator insists that the elder pay more than originally agreed before the work will be completed.

PROFILES OF VICTIMS AND PERPETRATORS

Many elderly victims fail to report abuse and financial exploitation for various reasons including:

1. Shame or embarrassment
2. They have a close relationship with the perpetrator whether it is their relative or a trusted caregiver.
3. They want to protect the abuser, particularly if the abuser is their child or grandchild
4. They don't want anyone to know they can't manage on their own for fear of being placed in a nursing home
5. They are unaware that they are being exploited.

Generally a victim of financial exploitation:

- Is female
- Lives alone or with a spouse or relative
- May suffer from some form of dementia or physical impairment and often suffers from multiple limitations that make him or her dependent on others for care
- Tends to be isolated
- May suffer from more than one type of abuse

WARNING SIGNS OF FINANCIAL EXPLOITATION

Elder's Behavior:

- Noticeable change in appearance and grooming
- Disorientation; asks same question over and over
- Change in mood
- Change in eye contact with bank personnel
- Cringing or withdrawing
- Hesitancy to enter into conversation
- Nervousness or fear of the person accompanying the elder
- The elder is not allowed to speak or make decisions on their own

Banking Activity:

- Numerous withdrawals from accounts that is inconsistent with previous spending habits
- Is accompanied by a stranger to whom the elder looks for guidance or help in conducting business or who pressures him or her to withdraw a large sum of cash
- Appears to have signed a check or document but the signature looks forged, unusual or suspicious
- Has several "out-of-sync" check numbers
- Acquaintance/family member too interested in elder's finances
- Is concerned or confused about missing funds from his or her account
- Applies for a credit card for the first time
- Fails to understand recently completed transactions
- Has credit card statements that are sent to an address other than the elder's home
- Changes account beneficiaries
- Changes property titles, deeds or other documents
- Refinances a mortgage
- Makes abrupt changes in a will, trust or Power of Attorney

HOW FINANCIAL INSTITUTIONS CAN HELP

- **Train** and sensitize employees about financial exploitation so that they recognize and report it
- **Designate** a staff person whom employees must notify when questionable or illegal financial transactions are occurring
- **Develop** a protocol for reporting suspected financial exploitation to law enforcement or Adult Protective Services
- **Educate** customers about how to recognize the signs of exploitation and fraud
- **Train** customer service specialists in techniques for interviewing elder customers

Employee awareness is the key to detecting financial exploitation. If you're worried that one of your customers could become victimized:

- Explain your concern and emphasize your bank or credit union's commitment to protecting its customers.
- Empathize with him or her and validate his or her feelings.
- Ask clear, non-threatening factual questions.
- Assure your customer that he/she is not alone – many people are reluctant to reveal exploitation.
- Do not say you are concerned simply because your customer is elderly or disabled.
- Do not let a person who accompanies your elderly or disabled customer speak for your customer.

Preventing Exploitation through Appropriate Interventions

If confronted with a suspicious situation or transaction, use the techniques listed on the previous page and perform the following interventions in a courteous manner:

Learn the reason for large withdrawals

This is especially important if the withdrawal is unusually large for your customer. If your customer is accompanied by a suspicious third party and makes an unusually large withdrawal, ask him or her, rather than the suspicious person, the reason for the withdrawal. If the suspicious person does not let your customer speak, or tries to put words in his or her mouth this is a red flag.

Carefully verify the authority of persons requesting to act for the customer.

Financial exploiters often lie. They may claim to be your customer's guardian or possess a Power of Attorney. They may say your customer is unable to come to the bank or credit union and they're just helping out. Check all documentation presented by a person claiming to act on behalf of a vulnerable customer. Have a designated bank supervisor review all Power of Attorney papers for authenticity. If a signature or transaction appears suspicious call the customer for verification.

Get photographic evidence of suspicious persons.

A surveillance photograph may be the only way to identify a suspicious family member, friend, or stranger who accompanies an elder to the bank or credit union. A surveillance photograph can also disprove a suspect's claim that he never went to the financial institution to cash the forged checks or make withdrawals.

Write down a description of suspicious persons.

After your customer and a suspicious third party leave your institution write down a description of the person. Include the type of car and the license number, if possible. Be as specific as possible.

Try to separate a vulnerable customer from a suspicious third party.

If a vulnerable adult is accompanied by a suspicious third party and appears frightened, intimidated or coerced ask to speak with the vulnerable adult away from the third party. Take the customer to a secure location on the pretense of discussing private account information. As you do this notify a colleague, or security, of the situation.

If a customer or anyone accompanying him or her objects to your actions:

Ask the customer to speak with a manager or security to gain a better understanding of your actions. Repeat politely that the policies of the financial institution are intended to protect customers.

Consult with managers or security.

Financial institutions should establish clear guidelines regarding when employees must notify management or security about suspicious circumstances. However employees should feel free to consult with managers or security anytime they feel uneasy.

Notify security or law enforcement at once.

Financial institution employees should notify security or law enforcement at once if they feel a vulnerable customer is in ANY immediate danger (i.e., before the customer leaves the area).

Preventing Financial Exploitation through Financial Counseling

Your vulnerable customers may make legitimate changes in their accounts, but through a means that is fraught with risk. You can suggest safer options that will lessen their risk of being financially exploited. Examples include:

A customer requests a large cash withdrawal to pay for a service or product.

Recommend a cashier's check instead as it's more secure than carrying a large amount of cash. Your customer can place a stop payment on a cashier's check if it's lost or stolen. A cashier's check can also be traced if it is used to pay a con artist for an undelivered product or service and offers greater protection for your customer.

A customer insists on a cash withdrawal.

Warn him or her of the dangers of carrying cash and inform him or her of alternatives.

A vulnerable adult comes to the institution to add a relative's name to his or her account because he or she believes a joint account avoids probate.

Suggest a Payable on Death (POD) account. The beneficiary receives the money after the vulnerable adult dies but cannot access the account while the adult is alive. There is no need for probate. Further POD beneficiary designations are revocable at any time.

An elderly customer requests a joint account so that a friend or relative can assist with making deposits and paying bills.

Suggest a direct deposit or an automatic bill-paying account instead. A direct-deposit account allows a customer's Social Security and retirement checks to be deposited directly. Financial institution employees, with the customer present, can call the local Social Security office and set up direct deposit for their customer's Social Security checks.

An automatic bill-paying account allows payments for public utilities, credit cards, and other bills to be withdrawn securely and automatically.

Both types of accounts prevent an unscrupulous friend or relative from withdrawing everything in a joint account.

In some instances automatic bill paying may not be sufficient. Your customer may still need financial management help from a joint account holder.

Suggest that your customer open a new account with the joint account owner. Then help your customer set up an automatic monthly transfer to the new account to pay bills. This allows your customer to receive the help he or she needs with bill paying but still keeps the balance of the account protected.

A customer has been exploited financially in the past and is an easy target for family or friends.

Suggest and set up a "protected account" for the customer with his or her consent. The account is flagged and any activity is closely watched. This is a good preventive intervention that can protect financial resources and can be adapted to fit individual needs.

STATE AND FEDERAL STATUTES

State and federal laws both permit and/or offer protection to financial institutions and their employees who make good-faith reports of suspected financial exploitation to law enforcement or Adult Protective Services.

Arizona Revised Statutes

Arizona Revised Statutes address mandatory reporting of elder abuse and related immunity from liability. These reporting statutes are not in conflict with the federal laws that address privacy and confidentiality.

A.R.S. §46-454 Duty to report abuse, neglect and exploitation of incapacitated or vulnerable adult:

- A. A physician, registered family nurse practitioner, hospital intern or resident, surgeon, dentist, psychologist, social worker, peace officer or other person who has responsibility for the care of an incapacitated or vulnerable adult and who has a reasonable basis to believe that abuse or neglect of the adult has occurred or that exploitation of the adult's property has occurred shall immediately report or cause reports to be made of such reasonable basis to a peace officer or to a protective services worker. The guardian or conservator of an incapacitated or vulnerable adult shall immediately report or cause reports to be made of such reasonable basis to the superior court. All of the above reports shall be made immediately in person or by telephone and shall be followed by a written report mailed or delivered within forty-eight hours or on the next working day if the forty-eight hours expire on a weekend or holiday.
- B. An attorney, accountant, trustee, guardian, conservator or other person who has responsibility for preparing the tax records of an incapacitated or vulnerable adult or a person who has responsibility for any other action concerning the use or preservation of the incapacitated or vulnerable adult's property and who, in the course of fulfilling that responsibility, discovers a reasonable basis to believe that exploitation of the adult's property has occurred or that abuse or neglect of the adult has occurred shall immediately report or cause reports to be made of such reasonable basis to a peace officer, to a protective services worker or to the public fiduciary of the county in which the incapacitated or vulnerable adult resides. If the public fiduciary is unable to investigate the contents of a report, the public fiduciary shall immediately forward the report to a protective services worker. If a public fiduciary investigates a report and determines that the matter is outside the scope of action of a public fiduciary, then the report shall be immediately forwarded to a protective services worker. All of the above reports shall be made immediately in person or by telephone and shall be followed by a written report mailed or delivered within forty-eight hours or on the next working day if the forty-eight hours expire on a weekend or holiday.

C. Reports pursuant to subsections A and B shall contain:

1. The names and addresses of the adult and any persons having control or custody of the adult, if known.
2. The adult's age and the nature and extent of his incapacity or vulnerability
3. The nature and extent of the adult's injuries or physical neglect or of the exploitation of the adult's property.
4. Any other information that the person reporting believes might be helpful in establishing the cause of the adult's injuries or physical neglect or of the exploitation of the adult's property.

D. Any person other than one required to report or cause reports to be made in subsection A who has a reasonable basis to believe that abuse or neglect of an incapacitated or vulnerable adult has occurred may report the information to a peace officer or to a protective services worker.

E. A person having custody or control of medical or **financial records** of an incapacitated or vulnerable adult for whom a report is required or authorized under this section shall make such records, or a copy of such records, available to a peace officer or adult protective services worker investigating the incapacitated or vulnerable adult's neglect, exploitation or abuse on written request for the records signed by the peace officer or adult protective services worker. Records disclosed pursuant to this subsection are confidential and may be used only in a judicial or administrative proceeding or investigation resulting from a report required or authorized under this section.

A.R.S. §46-453 Immunity of participants; nonprivileged communication

A. Any person making a complaint, furnishing a report, information or records required or authorized by this chapter or otherwise participating in the program authorized by this chapter or in a judicial or administrative proceeding or investigation resulting from reports, information or records submitted or obtained pursuant to this chapter is immune from any civil or criminal liability by reason of such action, unless the person acted with malice or unless such person has been charged with or is suspected of abusing, exploiting, or neglecting the incapacitated or vulnerable adult in question.

Federal Law

The federal Right to Financial Privacy Act of 1978 does not apply to reports made to state or local authorities.

31 U.S.C. sec. 5318 (g) (3):

Any financial institution that makes a disclosure of any possible violation of law or regulations or a disclosure pursuant to this subsection or any other authority, and any director, officer, employee, or agent of such institution, shall not be liable to any person under any law or regulation of the United States or any constitution, law, or regulation of any State or political subdivisions thereof, for such disclosure or for any failure to notify the person involved in the transaction or any other person of such disclosure.

12 U.S.C. 3403 (c)

Nothing in this title shall preclude any financial institution, or any officer, employee or agent of a financial institution, from notifying a Government authority that such institution or officer, employee, or agent has information which may be relevant to a possible violation of any statute or regulation. Such information may involve only the name or other identifying information concerning any individual, corporation or account involved in and the nature of any suspected illegal activity... Any financial institution, or officer, employee, or agent thereof...shall not be liable to the customer under any law or regulation of the United States or any constitution, law or regulation of any State or political subdivision thereof, for such disclosure of or any failure to notify the customer of such disclosure.

In 1999 the Financial Services Modernization Act (often known as the Gramm-Leach-Bliley Act) was passed. This Act contains strong privacy protection and requires notification to customers before disclosures of their records and an opportunity to disapprove the proposed disclosure. However Section 502(e) of the Act contains exceptions to this privacy protection. Three are relevant to state reporting programs:

- (e)(3)(B) permits disclosure “to protect against or prevent actual or potential fraud, unauthorized transactions, claims, or other liability.”
- (e)(5) permits disclosure “to the extent specifically permitted or required under other provisions of law...to law enforcement agencies...or for an investigation on a matter related to public safety.”
- (e)(8) permits disclosure “to comply with Federal, State, or local laws, rules, and other applicable legal requirements.”

HOW AND WHERE TO REPORT ELDER ABUSE

If you suspect one of your elderly or disabled customers is being exploited financially call either law enforcement or the Adult Protective Services' toll-free hotline. Call law enforcement if you think your customer is in immediate danger.

Law Enforcement

Emergency 9-1-1

(see local listings for non-emergency telephone numbers)

Adult Protective Services (APS) exists to receive and investigate incidents of abuse, neglect, or exploitation of incapacitated or vulnerable adults, and to offer appropriate services in accordance with individual need and acceptance.

The **Central Intake Unit** hosts a 24-hour, toll-free hotline for statewide reports of adult abuse, neglect, and exploitation.

1-877-SOS-ADULT (1-877-767-2385) TDD: 1-877-815-8390

Eligibility for Service:

Adult Protective Services is provided to an incapacitated or vulnerable adult resident of Arizona.

For the purpose of the **APS** program, an adult is 18 years of age or older. A resident is a person physically present within the state's geographic boundaries (or if not within the boundaries at specific given moment, is a current client in the program), excluding the Native American Reservations.

WHEN YOU REPORT, BE PREPARED TO SUPPLY AS MUCH OF THE FOLLOWING INFORMATION AS POSSIBLE:

Victim:

1. Name
2. Address
3. Date of Birth
4. Social Security Number
5. Telephone Number
6. Description of the problem, including the victim's physical/mental limitations

Perpetrator:

1. Name
2. Address
3. Phone Number
4. Relationship to victim

Other:

1. Significant other information
2. Physician's name

For further APS information, contact the **Operations Manager at**

(602) 542-4446 or write:

**Arizona Department of Economic Security
Aging and Adult Administration (950A)
1789 W. Jefferson
Phoenix, Arizona 85007**

You may also contact the following sites for general **APS** information:

**Adult Protective Services
1990 W. Camelback, Suite 302
Phoenix, Arizona 85015
(602)255-0996
Fax:(602)420-9306**

**Adult Protective Services
3131 N. Country Club Rd, Suite 206
Tucson, Arizona 85716
(520)881-4066
Fax:(520)881-8232**

**Adult Protective Services
397 Malpais Lane
Flagstaff, Arizona 86001
(928)213-3594
Fax:(928)773-1027**

**Adult Protective Services
1220 S. Fourth Ave.
Yuma, Arizona 85364
(928)782-9255
Fax:(928)343-2251**

**Adult Protective Services
605 S. 7th Street
Globe, Arizona 85501
(928)425-3101
Fax:(928)425-7950**

**Adult Protective Services
1938 Thatcher Boulevard
Safford, Arizona 85546
(928)428-7702
Fax:(928)428-6578**

You may also contact **Department of Health Services** for assistance: If the client is in a long term care facility The Long Term Care Ombudsman can be contacted at 602-542-4446. The primary purpose of the Long Term Care Ombudsman Program is to identify, investigate, and resolve complaints made by, or on behalf of residents of long term care facilities.

If the client is in an assisted living facility you may contact the Department of Health Services Mon.-Fri., 8:00AM to 5:00PM at **602-674-4200**.

Other agencies that can assist your elder customers include:

**Area Agency on Aging
24-hour Senior HELP LINE
602-264-4357**

ARIZONA AREA AGENCIES ON AGING

<p>REGION ONE (Maricopa County)</p> <p>MARY LYNN KASUNIC, President & CEO AREA AGENCY ON AGING 1366 E THOMAS RD, #108 PHOENIX, AZ 85014-5739</p> <p>Senior HELP LINE – (602) 264-HELP (4357), available 24 hours a day, 7 days a week.</p> <p>PHONE: 1-602-264-2255 FAX: 1-602-230-9132 Web http://www.aaaphx.org/main/default.asp</p>	<p>REGION FIVE (Gila , Pinal counties)</p> <p>OLIVIA GUERRERO, President/CEO PINAL-GILA COUNCIL FOR SENIOR CITIZENS P.O. Box 10530 (1895 N. Trezell Rd., Suite 2) CASA GRANDE, AZ 85230-0530 http://www.pgsc.org</p> <p>PHONE: 1-520-836-2758 FAX: 1-520-421-2033 800-293-9393</p>
<p>REGION TWO (Pima County)</p> <p>MARIAN LUPU, Exec. Dir. PIMA COUNCIL ON AGING (PCOA) 8467 E BROADWAY TUCSON AZ 85710-4009</p> <p>PCOA Help Line (520) 790-7262 http://www.pcoa.org</p> <p>PHONE: 1-520-790-0504 FAX: 1-520-790-7577 Email: help@pcoa.org</p>	<p>REGION SIX (Cochise, Graham, Greenlee, Santa Cruz counties)</p> <p>KATHLEEN HEARD, Director SOUTHEASTERN AZ GOV'T ORG (SEAGO) 118 ARIZONA ST BISBEE, AZ 85603 http://www.seago.org</p> <p>PHONE: 1-520-432-5301 Ext. 208 FAX: 1-520-432-5858</p>
<p>REGION THREE (Apache, Coconino, Navajo & Yavapai counties)</p> <p>MARY BEALS-LUEDTKA, Director NORTHERN AZ COUNCIL OF GOVERNMENTS (NACOG) 119 E ASPEN AVE. FLAGSTAFF AZ 86001-5296 http://www.nacog.org/aging/index.asp I & R 1-877-521-3500</p> <p>PHONE: 1-928-213-5226 direct line FAX: 1-928-214-7235</p>	<p>REGION SEVEN (Navajo Nation)</p> <p>LAVERNE WYACO, Director NAVAJO AGING SERVICES DEPT. P O BOX 1390 (Administration Bldg. #2) WINDOW ROCK AZ 86515</p> <p>http://www.azdes.gov/aaa/regions/r7.asp</p> <p>PHONE: 1-928-871-6868 FAX: 1-928-871-6793</p>

<p>REGION FOUR (La Paz, Mohave, Yuma counties)</p> <p>JILL HARRISON, Director WESTERN AZ COUNCIL OF GOVTS (WACOG) 224 S THIRD STREET YUMA AZ 85364</p> <p>In Mohave County call: 928-753-6247 In La Paz and Yuma County call: 928-782-1886; or call toll free at 1-800-782-1886.</p> <p>www.wacog.com/AAAbrochure.asp#contact</p> <p>PHONE: 1-928-782-1886 Ext. 122 FAX: 1-928-329-4248</p>	<p>REGION EIGHT (Inter-Tribal Council – 19 Tribes)</p> <p>LEE BEGAY, Director INTER-TRIBAL COUNCIL OF ARIZONA, INC. (ITCA) 2214 N. CENTRAL, Suite #100 PHOENIX AZ 85004</p> <p>www.itcaonline.com/program_aging.html</p> <p>PHONE: 1-602-258-4822 FAX: 1-602-258-4825</p>
<p>STATE UNIT ON AGING Rex Critchfield, Acting Assistant Director DIV. OF AGING AND ADULT SERVICES DEPARTMENT OF ECONOMIC SECURITY 1789 W. JEFFERSON, 2ND FL. S., SC001A PHOENIX, ARIZONA 85007</p> <p>Ph: (602) 542-4446 Fax: (602) 364-0743 Email: rcritchfield@azdes.gov</p> <p>Conference Operator 1-800-352-8400 2007</p> <p style="text-align: right;">March 1,</p>	

Arizona Attorney General

The Arizona Attorney General has the authority to bring actions alleging violations of the Consumer Fraud Act (Arizona Revised Statutes (A.R.S.) Chapter 44-1521 through 44-1534). If someone is a victim of consumer fraud they need to fill out a complaint form with all the requested information and send documentation to support the complaint. The Attorney General’s Office does not have the legal authority to represent individual consumers but their consumer experts will look into every complaint.

Complaint forms and instructions are available at www.azag.gov or by contacting the Attorney General’s Consumer Information and Complaints Office in Phoenix at 602-542-5763, in Tucson at 520-628-6504, or outside Maricopa and Pima Counties at 1-800-352-8431.

DEFINITIONS:

The following information gives definitions to assist in determining signs of abuse, neglect and exploitation. These factors should be considered when evaluating a facility and how & to whom to report these cases.

Abuse

1. Intentional infliction of physical harm
2. Injury caused by negligent acts of omission
3. Unreasonable confinement
4. Sexual abuse or sexual assault

Neglect

A pattern of conduct without the person's informed consent resulting in deprivation of food, water, medicine, medical services, shelter, cooling, heating or other services necessary to maintain minimum physical or mental health.

Exploitation

The illegal or improper use of an incapacitated or vulnerable adult of his/her resources for another's profit or advantage.

Vulnerable Adult

An individual who is 18 years or older who is unable to protect him/herself from abuse, neglect or exploitation by others, because of a physical or mental impairment.

Incapacity

An impairment by reason of mental illness, mental deficiency, mental disorder, physical illness or disability, advanced age, chronic use of drugs, chronic intoxication or other cause to the extent that a person lacks sufficient understanding or capacity to make or communicate informed decisions concerning his/her person.

Emotional Abuse

A pattern of ridiculing or demeaning the vulnerable adult who is a patient or resident in any setting, in which health care, health related services or assistance with one or more of the activities of daily living is provided, making derogatory remarks to the vulnerable adult, verbally harassing the vulnerable adult or threatening to inflict physical or emotional harm on the vulnerable adult.

SIGNS OF ABUSE, NEGLECT AND EXPLOITATION

Signs of Abuse (include but are not limited to):

- Unexplained bruises, welts, sores, cuts or abrasions in places they would normally not be expected
- Bruising and other injuries may be in different stages of healing
- Bruising or other markings reflect the shape of the objects used to inflict the injuries (e.g., electrical cord or belt buckles, etc.)
- Bilateral bruising on upper arms from shaking
- Fractures in different stages of healing
- Cigar and cigarette burns
- Submersion burns (e.g., sock like, glove like, doughnut like shaped on buttocks). Burns can also be patterned like objects used (i.e., electric burner).
- Rope burns on arms/wrists, legs/ankles from improperly tying or bandaging the client

Signs of Neglect (include but are not limited to):

- Bedsores (pressure sores)
- Unkempt, dirty, body odor, feces on body
- Clothing is insufficient or inappropriate for the weather
- Fleas & lice on individual
- Malnourished & dehydrated
- Little or no food available
- Soiled or urine soaked bedding

Signs of Financial Exploitation (include but are not limited to):

- Accompanied by a stranger to the bank who encourages them to withdraw large amounts of cash
- Accompanied by a family member or other person who seems to coerce them into making transactions
- Client not allowed to speak for themselves or make decisions
- Implausible explanation about what they are doing with their money
- Concerned or confused about "missing" funds in their accounts
- Neglected or receiving insufficient care given their needs of financial status
- Isolated from others, even family members
- Unable to remember financial transactions or signing paperwork

CASE STUDIES IN FINANCIAL EXPLOITATION

Case Study Number One:

Mrs. B., age 72, has mild dementia, although she can still appear to function fairly well, especially in brief, superficial interactions. She is very small, fragile, and somewhat unkempt.

One day, Mrs. B. went to her small town bank to have her daughter's name taken off her account. With some hesitation, she told the bank teller that her daughter was "stealing her money." Mrs. B. was crying when she said this.

A short time after, Mrs. B. and her daughter came back to the bank. Mrs. B. wanted her daughter's name back on the account. The deeply suspicious bank teller did not want to honor the request and asked Mrs. B. if everything were OK. Mrs. B. said, "Yes, everything has been straightened out," as her daughter stood by her side.

The teller notified bank officials about her suspicions, but no one called the Adult Protective Services Central Intake Unit to report possible financial exploitation. The bank thought it would violate a customer's confidentiality by making the call.

Later, Mrs. B.'s relative called CENTRAL INTAKE to relay her suspicions, which prompted an Adult Protective Services (APS) investigation. The bank cooperated after it learned APS is mandated to investigate reports of abuse, neglect, or exploitation, and that the law authorizes the gathering and exchange of information from different sources and agencies. APS got assistance for Mrs. B and referred Mrs. B's matter to law enforcement.

Case Study Number Two:

Mr. P. is a disabled veteran in his 70's. Troubled by alcoholism and mild dementia, he still appears to function well in superficial exchanges. He is easily manipulated, especially when he has been drinking.

Two sisters befriended Mr. P. Over a fairly short period of time, each took a turn as his fiancée. An employee at the financial institution noticed these women drove Mr. P. through the drive-up window to make frequent cash withdrawals – sometimes several times a day. When questioned by the teller, Mr. P. said he couldn't remember how often he made withdrawals.

The financial institution's manager, the one designated to review suspected exploitation cases, was informed of the situation and agreed the teller should call Adult Protective Services Central Intake Unit. The teller gave the women's names, explained the situation and said Mr. P. couldn't remember details of his account or that he sometimes made several withdrawals daily.

Adult Protective Services (APS) interviewed the key individuals in this case and gathered records. Even when presented with these records, Mr. P. could not remember making most of the withdrawals from his account or how much money he had. Mr. P. did know that his "girlfriend" gave him a ride to the bank at the first of each month when he got his check.

After gathering as much evidence as possible, this case was turned over to law enforcement for possible prosecution. In an effort to enable Mr. P. to live as independently as possible, Adult Protective Services is now helping Mr. P. to obtain a conservator so that his money can be managed appropriately.

Case Study Number Three

E. and F., the adult daughters of Mr. and Mrs. S., squabbled about their parents' finances. As beneficiaries, they feared their parents' recent expenditures would reduce their inheritance.

Mr. and Mrs. S. had an account at a small town bank. Mrs. S. suffered from mild dementia and didn't always function well. It was easy to get her to say or do whatever someone wanted. Mr. S. always took care of their banking.

One day, E. took her mother out for a day trip without telling anyone, and persuaded her mother to withdraw \$6,000 from her and Mr. S.'s joint account. Though the bank employee knew that Mr. S. always did the banking, she honored the request from Mrs. S.

However, the employee suspected things were not right. She talked to the manager designated to review cases involving possible financial exploitation. Together, they called the Adult Protective Services Central Intake 24-Hour Hotline, which prompted an Adult Protective Services (APS) investigation.

Mr. S. was indignant at E.'s actions. He filed a police report and said he wanted to press charges against his daughter, E. While it wasn't clear if any charges would ever be filed, APS talked with Mr. and Mrs. S. and their two daughters. Mr. S. and daughter F. both wanted the money returned.

In exchange for a promise of no prosecution, E. made restitution to her family by returning the \$6,000.