

Elder Financial Abuse

One in eleven persons living in San Bernardino County is 65 or older. Our elders and dependent adults are being abused at an alarming rate. What can be done? In this brochure, you will learn:

- The warning signs of financial abuse
- How to report abuse when discovered
- What you can do to prevent the elderly or dependent adults in your life from becoming victims of financial abuse

There are now special laws targeting those who steal from or financially exploit elderly or dependent adults. Abusers may face jail and civil action.

What is "Financial Abuse"?

It's using the elder's money or assets contrary to the elder's wishes, needs, or best interests - or for the abuser's personal gain.
For example:

- Taking money or other items from the elder's home or bank accounts
- Selling or transferring the elder's property against their wishes or best interests
- Failing to provide agreed upon services to the elder, such as care giving, home or vehicle repair, or financial management
- Using the elder's credit cards for unauthorized purchases
- Using the elder's name or good credit to open new credit accounts
- Misusing the elder's Power of Attorney (POA)
- Refusing to return borrowed money or property as agreed upon, or when requested by the elder or their agent
- Creating or changing living trusts for the benefit of the abuser
- Changing the elder's will, trusts, or inheritance for the abuser's benefit

What is "Undue Influence"?

When a person in a position of trust takes advantage of a vulnerable elder to gain control of their money, property, or their life - either directly, or through a POA, a trust, marriage, adoption, or inheritance.

How is Undue Influence Accomplished by Abusers?

- By isolating the elder from contact with other family members, friends, and society
- By controlling the elder's mail, phone calls, visitors, and outings
- By falsely promising the elder to take care of them for the rest of their life
- By falsely worrying the elder with the fear that they will lose their house and be placed in a nursing home
- By lying to the elder that no one else cares about them except the abuser
- By manipulating or withholding the elder's food or medication so they become weak and compliant
- By threatening the elder with harm, neglect, or abandonment if they don't agree to do what they are told

Who Might Be An Abuser

- Family members
- Caretakers - paid or volunteer
- Strangers - met in public, or over the phone, or those who come to the door
- Professionals hired by the elder - accountants, bankers, lawyers, doctors
- Is there a new person involved in the elder's life, with no logical reason for being there, such as a new boyfriend or girlfriend much younger than the elder?
- Has the elder recently changed their doctor, lawyer, accountant, or other professional?

Warning Signs of Financial Exploitation

Financial Activity

- Activity inconsistent with elder's ability, such as ATM use by a physically impaired person
- Numerous new withdrawals, usually in round numbers (\$50, \$100, \$1,000, \$5,000, etc.)
- Increased activity on credit cards
- Withdrawals made from savings or CD's in spite of penalty assessments
- Change in account beneficiaries
- New authorized signers on accounts
- Elder is confused about recent financial arrangements
- Change in property title, quitclaim deed, or new or refinanced mortgage

Inheritance & Wills

- Recent change in Power of Attorney or Durable Power of Attorney
- Recent change in Will or Trust, when elder is clearly incapable
- Recent change in Will or Trust to favor a new or much younger "friend"

Caregiver Warning Signs

- Is the elder now reluctant to discuss matters that were once routine?
- Does the elder seem apprehensive of the outside world - more tired or depressed?
- Does the caregiver say the elder is less willing or able to accept visits or calls?
- Does the caregiver seem overly concerned about the elder's finances?
- Does the caregiver often speak for the elder, even when the elder is present?
- Does the caregiver have no means of support other than the elder's income?

Making the Elder Less of a Target

Assessing Elder Lifestyle Risks:

- Does the elder live alone?
- Does the elder still drive? If so, they may be prone to crashes, or to being victimized by driving-related scams (see next section).
- Does the elder spend a lot of time on foot, in public places? If so, they may be targeted by exploiters who search for elderly victims at banks, stores, parks, malls, libraries, etc.
- How many local friends does the elder have?
- Does the elder have information about housing options, care choices, and support groups?
- Have the elder's outside activities decreased over the past few years?
- Does the elder have family members in the area? Is there weekly contact?
- Is the elder overly friendly and helpful - even to total strangers?
- Who regularly checks the status of the elder's bank accounts, charge or credit accounts, or investments?
- Where and from whom is the elder getting financial and medical advice?
- Who oversees the elder's Power of Attorney?
- Does the elder seek advice of fortunetellers, psychic advisors, or spiritual healers?
- Does the elder know when and how to call the police for emergencies - and for non-emergencies, such as suspicious persons?

Be Careful with Caregivers:

- Caregiver hired from reputable agency?
- Caregiver references checked?
- Criminal background check done?
- Elder's checks, credit cards, etc. locked up?
- Written service agreement, signed by the caregiver & elder, specifying duties and pay?
- Log of workers, hours, and salary payments?