Description of document: **Financial Exploitation of Older Persons, report submitted to Congress, August 2009**

Requested date: December 2009

Released date: 14-December-2009

Posted date: 11-January-2010

Source of document: Freedom of Information Officer
Administration on Aging
Washington, DC 20201
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From: "Posman, Harry (AoA/ExSec)" <harry.posman@aoa.hhs.gov>
Date: Mon, 14 Dec 2009 13:52:43 -0500
Conversation: FOIA Request
Subject: FOIA Request

Via email.

The Administration on Aging (AoA) is in receipt of your Freedom of Information Act (FOIA) request for:

…a copy of each report produced for Congress by the AoA during the past three (3) years, and which are not posted on the AOA public internet website.

As requested by you, I am transmitting to you one copy of the "Financial Exploitation of Older Persons" report which was submitted to Congress in August of 2009. This report is the only report that AoA produced for and submitted to the Congress during the past three (3) years.

If you have reason to believe that the Administration on Aging has denied records requested by you that are in our possession, you may appeal. Your appeal should be mailed within 30 days from the date of this letter, to the Deputy Assistant Secretary for Public Affairs (Media), U.S. Department of Health and Human Services, Mary E. Switzer Memorial Building, 330 C Street, S.W., Room 2221, Washington, D.C. 20201. Clearly mark both the envelope and your letter "Freedom of Information Act Appeal".

Sincerely,

Harry Posman
Freedom of Information Officer

Attachment

Financial Exploitation of Older Persons: Report to Congress

U.S. Administration on Aging
Assistant Secretary for Planning and Evaluation,
Office of Disability, Aging and Long-Term Care Policy
Department of Health and Human Services

Administration on Aging

Financial Exploitation of Older Persons: Report to Congress

Prepared by:
U.S. Administration on Aging and
Assistant Secretary for Planning and Evaluation, Office of Disability, Aging and Long-Term Care Policy
Department of Health and Human Services

Significant contributions were made by:
RTI International

EXECUTIVE SUMMARY

Financial exploitation covers a broad set of crimes and abuses. It can be a family member making unauthorized withdrawals from another person's bank account, the misuse of a financial power of attorney, or a guardian billing a ward $200 an hour for food shopping. No one is excluded as a potential target. Financial exploitation affects people from all socioeconomic backgrounds. Because of its varied characteristics and manifestations, financial exploitation can deprive even well-off older adults of the ability to live independently or provide for their health and long-term care needs. In some cases, it could result in premature dependence on public programs such as Medicaid.

Many seniors have been victims. According to the National Elder Abuse Incidence Study, adult protective services (APS) agencies substantiate more cases of financial abuse than physical abuse each year. A study in Illinois reported that financial exploitation was the most frequent form of perpetrator-related elder abuse in that state. Another study found that in Massachusetts almost one-half of the cases of elder abuse that were serious enough to require reporting to a district attorney involved financial exploitation.

In response to a Congressional request, the purpose of the attached study is twofold: (1) to gain a better understanding of financial exploitation of older persons and (2) to help determine the future direction of research to appropriately address this issue.

Background

Preserving and enhancing the dignity of older adults is of paramount importance to all of us. In 2000, Congress expressed its growing concern about the devastating phenomenon of financial exploitation of older persons by requiring the Secretary of the U.S. Department of Health and Human Services (DHHS) to conduct a study on financial exploitation of older persons in consultation with the Departments of Treasury and Justice, state attorneys general, and tribal and local prosecutors. As mandated by Congress, the purpose of the study was to define and describe the scope and nature of financial exploitation of the elderly and to provide an estimate of the number and type of financial transactions considered to constitute financial exploitation of older individuals. Congress also requested that the study examine the adequacy of current federal and state legal protections to prevent such exploitation and make recommendations to address the problem.

In 2001, the Administration on Aging (AoA) organized a working group tasked with determining the parameters of the study. AoA added to the partners specified by Congress to ensure that the final study incorporated as broad a perspective as possible without duplicating existing efforts. The final list of partners included the National Institute on Aging, the Social Security Administration, the HHS Offices of Inspector General and Assistant Secretary for Planning and Evaluation, the Treasury and Justice Departments, and the National Association of Attorneys General.

In the fall of 2002, AoA and the Office of the Assistant Secretary for Planning and Evaluation (ASPE) contracted with RTI International (RTI) to conduct the study. The Report to Congress draws significantly from the work completed by RTI and summarizes what is known about the nature and scope of financial exploitation of older persons and describes barriers to addressing the problem. It also identifies gaps in knowledge and discusses current methods and future considerations for addressing financial exploitation.

For the purpose of the study, AoA defined financial exploitation or abuse as the "...illegal or improper use of the financial or material resources of an older individual for monetary or personal benefit, profit, or gain." Older individuals were defined as those aged 60 or over.

Study Methodology and Approach

The study undertaken to respond to the Congressional request employed a manifold approach. This included a comprehensive literature review to develop a conceptual framework for examining financial exploitation of the elderly; consultation with 36 nationally recognized experts on financial exploitation of older persons, as well as a technical advisory group (TAG); and in-depth examinations of promising approaches for identifying, preventing, and addressing financial exploitation.

Following the precedent of the two national studies conducted to date on elder abuse, the National Research Council Study (NRCS) and the National Elder Abuse Incidence Study (NEAIS), this study focused on financial abuse perpetrated by individuals with whom older persons have a preexisting relationship. The NRCS and NEAIS excluded from their analyses any abuse committed by strangers, thereby excluding crimes such as telemarketing, mail, and other forms of consumer fraud. Although strangers financially abuse seniors, the hallmark of financial exploitation is that a family member, caregiver, or someone in a fiduciary relationship violates a bond of trust. Similarly, because over 80 percent of all financial abuse cases are estimated to involve older adults living at home, this study, like NEAIS, focused solely on domestic abuse. It is important to note that domestic financial abuse is distinguished from financial abuse in long-term care settings not by the location of the abuse, but by the relationship between the victim and perpetrator.

This Report to Congress is divided into five (5) sections. Section I provides an introduction and overview to financial exploitation. Section II presents a conceptual framework to guide the study of financial exploitation of older persons. Section III of the report discusses some of the challenges to addressing financial exploitation. Section IV describes some of the policies and approaches for identifying, preventing, and intervening to stop financial exploitation. An Appendix has been included to offer examples of various national and state initiatives to address financial exploitation. The four main components are characterized below.

Section I: Introduction and Overview. This section explains the context and parameters of the study conducted on financial exploitation of older persons. Information about the nature and scope of financial exploitation is presented to the extent possible provided there is limited research in this area. In addition, what is known about the incidence and prevalence of financial exploitation of older persons is explored.

Section II: Conceptual Framework. The limited research on financial exploitation of older persons has generally lacked an overall conceptual framework to guide data collection and provide an effective assessment of its risk factors and consequences. Using the National Research Council's (NRC) general framework for elder mistreatment as a starting point, a specific conceptual framework for understanding financial exploitation was created. This framework offers an explanation of the complex, interdependent relationships between victims and perpetrators and the societal and cultural factors that influence how financial exploitation is perceived and addressed. It attempts to describe the origins of financial exploitation and examines the varying likelihood of an event or set of events causing financial harm to older persons. This framework supports the study's ultimate goal to help develop and implement more effective intervention strategies to reduce the risk of financial exploitation among older persons, and to potentially undergird future research.

Section III: Challenges to Addressing Financial Exploitation. This study identified a wide range of challenges that impede efforts to address financial exploitation of older persons. This section of the report summarizes some of these challenges facing policy makers, the law enforcement and judicial systems, social service and other professionals, and financial institutions as they attempt to prevent, identify, and address financial exploitation of older persons. For purposes of discussion, this report organizes the challenges into two broad categories: those related to victims and those related to the systems responsible for addressing financial abuse.

Section IV: Current Policies and Approaches. The identification of policies and approaches for preventing, identifying, and intervening to stop financial abuse was a major component of this study. Based on a comprehensive review of the published and unpublished literature and consultations with experts, a wide range of national, state, and local level initiatives aimed at identifying, preventing, and addressing financial exploitation among older persons in the United States was identified. The range of services they provide address, to some degree, most of the challenges identified in Section III of the report, although particular aspects of some challenges were not addressed by any identified initiative.

Concluding Remarks

From the research done for this study, HHS developed conclusions and a set of recommendations that address elder financial exploitation. Adequate research informed by sufficient data to guide specific policy recommendations is lacking. Therefore, the recommendations are designed to guide possible future research efforts to better inform policymakers as well as practitioners. Recommendations fall into five general categories:

- Incidence and Prevalence
- Public awareness and education
- Professional awareness, education, training, and coordination
- State legal protections
- Law enforcement and the judicial system

Incidence and Prevalence.

Congress requested that this study "define and describe the scope of financial exploitation of the elderly, and provide an estimate of the number and type of financial transactions considered to constitute financial exploitation faced by older persons." Available data on the incidence and prevalence of financial exploitation has been presented; however, the scarcity of research renders it impossible to provide an accurate estimate of the number and type of transactions considered to constitute financial exploitation. Consequently, we appreciate the value of the research recommendations of the NRC regarding the need for national prevalence and incidence studies on elder abuse, including financial exploitation, to determine the true extent of elder financial abuse.

To clarify risk factors and determine appropriate and effective ways to stop and remedy financial abuse, these studies should consider using uniform definitions of financial exploitation and, attempt to identify the characteristics of both victims and perpetrators.

Consideration might be given to both small-scale and long-term longitudinal studies to increase our understanding of financial exploitation and determine trends over time.

Public Awareness and Education

Financial exploitation is a surreptitious form of abuse that is underreported, difficult to detect, and, therefore, difficult to prosecute. This makes it important to address abuse before it happens. Prevention is an important step toward addressing financial exploitation of older persons. Awareness, recognition, and knowledge of community resources are critical components of preventing abuse in the first place. Programs such as money management and TRIAD consumer education activities are examples of empowering older people to be directly involved in prevention.

Consideration should be given to a financial exploitation awareness campaign that includes proven strategies to reduce the risks and minimize the consequences of financial abuse.

Professional Awareness, Education, Training, and Coordination.

Numerous professionals have contact with older persons and many are in a position to identify, report, and sometimes prevent financial abuse. These professionals include, but are not limited to, bank and financial services staff, social service workers, case managers, fiduciaries, and attorneys.

Many of these professionals lack awareness and knowledge of the forms that financial abuse of older persons can take or the ways they can help. Those who are aware and knowledgeable often do not know about other resources for addressing financial abuse. Opportunities for coordinating the efforts of the multiple professionals who can and do address financial abuse are not readily available.

Consideration should be given to education and training targeted to professionals who deal with older persons that would enable them to prevent, identify, and report financial abuse. Programs to be explored include those involving well-tested multidisciplinary team approaches about such matters as powers of attorney and guardianship and methods for reducing the risk of abuse from occurring.

State Legal Protections

Congress requested that this study examine the adequacy of current state legal protections to prevent financial exploitation and make recommendations for future actions to combat the financial exploitation of older persons. The legal protections currently available include: powers of attorney, guardianships, civil restraint orders, and methods to freeze assets. No research was identified that assessed the extent to which such protections are available or used, or their success. However, anecdotal evidence of abuse of powers of attorney and guardianships, including media reports, suggests that changes are needed to make them less amenable to abuse. Some states and entities have already instituted such changes.

Consideration should be given to collecting information on the mechanisms used by states to protect the legal interests of seniors and minimize or mitigate the effects of financial exploitation.

Law Enforcement and the Judicial System

The study suggested there are a number of specific barriers to investigating and prosecuting financial crimes. Defining financial abuse, in the first place, has been cited by prosecutors as "daunting." Accurately determining whether abuse has occurred "often requires complex and subjective determinations to distinguish acceptable transactions and exploitative conduct and to separate misconduct from mismanagement." Often the cognitive status of the victim can render it difficult to prove undue influence, unfair persuasion, or coercion. Very frail victims become more inclined to refuse to participate or become incapacitated, or die during the course of what can often become protracted proceedings. Adding to the difficulty can be the need to review and evaluate voluminous and complex records to even prove wrongdoing, often without a witness able or willing to testify. Another significant barrier continues to be the viewpoint that financial exploitation is a civil, rather than a criminal, concern or that the cost-benefit of pursuing prosecution is minimal.

Consideration should be given to evaluating existing law enforcement models designed to facilitate reporting and prosecution, and disseminating information about those that prove to be the most efficacious.

In Summary

President Obama has noted the importance of giving people choices about their long-term care, improving the quality of elder care, and protecting seniors. At the AoA, this means that seniors living in the community receive the supports they need to remain as independent as possible, for as long as possible. Through programs funded by the Older Americans Act, AoA provides many older people with home and community-based services, transportation, nutrition services, legal services, and help for their caregivers. The Ombudsman program, which monitors care and advocates on behalf of vulnerable older people in long-term care facilities, is one of AoA's hallmark programs. However, research indicates that the specter of financial exploitation takes its toll on too many vulnerable older adults and ultimately reduces the efficacy of other efforts to enhance the quality of life for seniors.

Most victims of abuse, neglect and exploitation are 80 years-of-age or older, and many also have cognitive impairments. The 85+ population is projected to increase from four-and-a-half million today to nine-and-a-half million in 2030, and those with Alzheimer's disease could grow from four million today to 16 million by 2050. These statistics demonstrate that the number of financial abuse cases could increase dramatically.

Due to the complexity of elder financial abuse, no single effort is likely to provide a solution. The law enforcement and judicial systems, banks and the financial community, aging and social service systems, and most importantly older persons and their families, all need to be aware and involved. To that end, a concerted, evidence-based strategy is needed involving multiple entities at many levels. DHHS has made the above recommendations that can provide direction in devising such a strategy.

CONTENTS

I. INTRODUCTION AND OVERVIEW

Elder abuse is a recognized social problem of unknown, though likely increasing, magnitude.[1] Based on the best available research, it is estimated that one to two million Americans aged 65 or older have been injured, exploited, or otherwise mistreated by someone they depend on for care or protection.[2] A frequent form of elder abuse is financial exploitation—also known as financial abuse (the terms financial exploitation and financial abuse will be used interchangeably in this report). Financial abuse can occur in many ways, including the misuse of powers of attorney and guardianships, illegal transfers of property, and outright fraud and theft. Financial crimes against older persons are difficult to address because they are often unreported.

Congressional Mandate for the Study of Financial Exploitation

In 2000, Congress expressed its growing concern about financial exploitation of older persons by requiring the Secretary of the U.S. Department of Health and Human Services (DHHS) to conduct a study of the nature and extent of financial exploitation of older persons, in consultation with the Departments of Treasury and Justice, state attorneys general, and tribal and local prosecutors. As stated by Congress, the purpose of the study was "to define and describe the scope of financial exploitation of the elderly, and to provide an estimate of the number and type of financial transactions considered to constitute financial exploitation faced by older individuals." The study shall also "examine the adequacy of current Federal and State legal protections to prevent such exploitation, and make recommendations for future actions to combat the financial exploitation of older individuals."[3]

The Administration on Aging (AoA) and the Office of the Assistant Secretary for Planning and Evaluation (ASPE)—Office on Disability, Aging, and Long-Term Care, contracted with RTI International (RTI) to conduct this study. This Report to Congress draws significantly from the work completed by RTI and summarizes what is known about the nature and scope of financial exploitation of older persons and describes barriers to addressing the problem. It also identifies gaps in knowledge, discusses current methods for addressing financial exploitation, and outlines future considerations for prevention and remediation.

Context for the Study

For the purpose of this study, the Administration on Aging defined financial exploitation or abuse as the "...illegal or improper use of the financial or material resources of an older individual for monetary or personal benefit, profit, or gain." Older individuals were defined as those aged 60 or over.

This study was limited to domestic financial abuse. Consistent with the two national studies conducted to date on elder abuse, the National Research Council Study (NRCS) and the National Elder Abuse Incidence Study (NEAIS), this study focused on financial abuse perpetrated by individuals with whom older persons have a preexisting relationship. The NRCS and NEAIS excluded from their analyses any abuse committed by strangers, thereby excluding crimes such as telemarketing, mail, and other consumer fraud. Although strangers have been known to financially abuse seniors, the hallmark of financial exploitation is that a family member, caregiver, or someone in a fiduciary relationship[1] violates a bond of love and/or trust.[4]

Second, because over 80 percent of all financial abuse cases are estimated to involve older adults living at home,[5] this study, like the NEAIS, focused solely on domestic abuse. However, it is important to note that domestic financial abuse is distinguished from financial abuse in long-term care settings not by the locale of the abuse, but by the relationship between the victim and perpetrator. For example, family caregivers who are abusing a power of attorney to take money from an older person can continue this financial abuse after a person enters a nursing home.

The purpose of this study was twofold: (1) gain a better understanding of financial exploitation of older persons and (2) help determine the future directions of research to appropriately address financial exploitation of older people.

The study of financial exploitation of older persons is important and timely for two reasons: (1) the aging of the population will increase the number of older persons at risk of financial exploitation, and (2) the loss of financial resources can compromise older persons' ability to live independently in home and community settings and provide for their health and long-term care needs.

The Aging of the Population

Older age, functional limitations, and dependence on others for care are risk factors for financial exploitation, and demographic trends suggest a growing number of vulnerable, at-risk older persons.[6] Since 1950, the proportion of the population aged 65 and older has increased dramatically.[7] Between 1950 and 2000, the total population of the United States increased by 87 percent, while the population aged 65 and over *increased* by 188 percent. During this same period, the population aged 85 and over increased by 635 percent.[8] These trends will continue with the aging of the baby boom cohort.[9]

While many older persons are healthy and have no functional limitations, aging is associated with increases in illness and disability. Approximately 7.3 million individuals over age 65 report a need for assistance with activities of daily living such as bathing, dressing, and toileting.[10] Among those aged 85 and older—the fastest growing segment of the older population—33 percent reported fair or poor health, 85 percent reported mobility limitations, and approximately 30 to 39 percent have dementia.[11]

Even if disability rates remain the same, given the projected growth in the elderly population, an increasing number of elderly individuals will require long-term care services.[12] Family members

[1] In this report, the term "fiduciary" describes the responsibility of individuals who formally acting on behalf of older individuals, such as guardians. However, some state elder abuse statutes also use this term to mean someone in a position of trust.

provide the vast majority of long-term care for older persons.[13] When dependent on others for assistance with long-term care needs, older persons with assets may be at increased risk of financial exploitation.

The Importance of Maintaining Financial Independence

When informal caregiving cannot meet an individual's needs, the ability to pay for care is a key factor enabling older persons to remain independent in their homes and communities. Financial exploitation can deprive individuals of the ability to live independently and provide for their health and long-term care needs. In some cases, it may result in premature dependence on public programs such as Medicaid. Virtually all older persons want to age and receive long-term care services, if needed, in their own homes.[14] Those who cannot be cared for at home use community-based services such as adult day centers or move to residential care settings such as adult foster care and assisted living facilities.[15]

Although the majority of older persons have relatively low incomes,[16] a significant portion of elderly persons has substantial assets. In 1996, 40 percent of the population aged 75 and older had a net worth between $171,000 and $485,000, an amount that includes the value of a home.[17] One study of assisted living residents found that over 60 percent had incomes less than $25,000 and concluded that, although some received financial help from family, most moderate- and lower-income residents are paying for market-rate assisted living by spending down their assets—primarily from the sale of a home.[18] Similarly, residents of nursing homes also pay privately for their care with income and assets, until they spend down to Medicaid financial eligibility levels.[19]

Study Approach and Methodology

This Report to Congress is divided into five (5) sections. Section I provides an introduction and overview to financial exploitation. Section II presents a conceptual framework to guide the study of financial exploitation of older persons. Section III of the report discusses some of the challenges to addressing financial exploitation. Section IV describes some of the policies and approaches for identifying, preventing, and intervening to stop financial exploitation. An Appendix has been included to offer examples of various national and state initiatives to address financial exploitation. The four main components are characterized below.

Section I: Introduction and Overview. This section explains the context and parameters of the study conducted on financial exploitation of older persons. Information about the nature and scope of financial exploitation is presented to the extent possible provided there is limited research in this area. In addition, what is known about the incidence and prevalence of financial exploitation of older persons is explored.

Section II: Conceptual Framework. The limited research on financial exploitation of older persons has generally lacked an overall conceptual framework to guide data collection and provide an effective assessment of its risk factors and consequences. Using the National Research Council's (NRC) general framework for elder mistreatment as a starting point, a specific conceptual framework for understanding financial exploitation was created. This framework offers an explanation of the complex, interdependent relationships between victims and perpetrators and the societal and cultural factors that influence how financial exploitation is perceived and addressed. It attempts to describe the origins of financial exploitation and examines the varying likelihood of an event or set of events causing financial harm to older persons. This framework supports the study's ultimate goal to help develop and implement more effective intervention strategies to reduce the risk of financial exploitation among older persons, and to potentially undergird future research.

Section III: Challenges to Addressing Financial Exploitation. This study identified a wide range of challenges that impede efforts to address financial exploitation of older persons. This section of the report summarizes some of these challenges facing policy makers, the law enforcement and judicial systems, social service and other professionals, and financial institutions as they attempt to prevent, identify, and address financial exploitation of older persons. For purposes of discussion, this report organizes the challenges into two broad categories: those related to victims and those related to the systems responsible for addressing financial abuse.

Section IV: Current Policies and Approaches. The identification of policies and approaches for preventing, identifying, and intervening to stop financial abuse was a major component of this study. Based on a comprehensive review of the published and unpublished literature and consultations with experts, a wide range of national, state, and local level initiatives aimed at identifying, preventing, and addressing financial exploitation among older persons in the United States was identified. The range of services they provide address, to some degree, most of the challenges identified in Section III of the report, although particular aspects of some challenges were not addressed by any identified initiative.

Methodology

Published and unpublished literature that focused on elder abuse in general, and financial exploitation specifically, was reviewed and synthesized to prepare a comprehensive literature review and to develop a conceptual framework. In addition to the literature used to develop the foundation of the report, 36 nationally recognized experts on financial exploitation of older persons were consulted by the researchers throughout the study period. The researchers also formed a technical advisory group (TAG) comprising 11 of these experts and met with them in September 2003 to discuss research and policy recommendations. Finally, promising approaches for identifying, preventing, and addressing financial exploitation were researched.

Limitations of the Current Study

There was insufficient information on the nature of the problem, important risk factors, and effective remedies to adequately examine institutional financial abuse in this study. The unique factors associated with institutional settings that may influence the likelihood of financial abuse do not necessarily play a role in domestic abuse.[20] In addition, financial abuse by nursing home staff is a criminal activity of a different nature, and is handled distinctly in terms of prevention, identification, and subsequent intervention. Also, there was little documentation of financial abuse by staff in long-term care settings, other than anecdotal reports of petty theft. The few research studies on elder abuse in nursing homes have focused solely on physical and emotional abuse, rather than financial abuse.[21]

Financial abuse perpetrated by strangers, although a serious concern that needs to be systematically examined, also was beyond the scope of this particular study. Unlike the many other forms of financial exploitation examined for this study, telemarketing fraud, mail fraud, and other scam campaigns impersonally target large numbers of individuals at a single point in time with the same exploitative scheme. In these types of fraud, the perpetrator is generally a stranger, rather than someone having an ongoing relationship with the victim. Also, the perpetrator either has no direct contact with the victims or spends only a few moments with them, whereas the perpetrators of other forms of financial exploitation generally spend a great deal of time with, and may even live with, the victim. Perpetrators who are strangers typically take advantage of a large number of older persons during the same period of time in a systematic fashion, whereas in other forms of financial exploitation, the activity generally targets one individual at a time. With these forms of fraud, the activity is likely to occur over an extremely short period of time for any given person, whereas for other forms of financial exploitation, the pattern of behavior is likely to occur over an extended time frame. Therefore, given that (1) the nature of and dynamics surrounding telemarketing fraud, mail fraud, and other scams are distinct from domestic cases of financial exploitation of older persons and (2) the two key national elder abuse studies (the NEAIS and the NRC study) excluded telemarketing fraud and mail fraud from their analyses, these forms of financial abuse were excluded from this study.

The Problem of Elder Abuse

Almost a quarter of a century has passed since elder abuse first became a matter of public concern.[22] The concerns of various constituencies are reflected in federal policy on elder abuse: public welfare laws, provisions of the Older Americans Act, and multiple crime bills have been among the national legislative responses to victims and their families. At the state level, laws addressing elder abuse and adult protective services have been enacted and continue to be amended as new conceptualizations of abuse emerge. For social service, health care, and legal professionals, elder abuse cases are demanding and often frustrating to deal with; for older adults, solutions are difficult and frequently unacceptable. The complex, multifaceted nature of elder abuse, which may involve physical, psychological, financial, social, legal, and ethical matters, requires that action to prevent and remedy it take place on multiple levels and involve multiple systems.[23] This section provides a brief general overview of the nature, scope, and consequences of elder abuse, followed by a discussion of the key elder abuse research findings to date.

Elder abuse has been defined as "any form of mistreatment that results in harm or loss to an older person."[24] Conceptually, the term mistreatment is useful because it encompasses acts of commission (abuse) or omission (neglect), intentional or unintentional acts, and all types: physical, psychological, or financial. Mistreatment can result in suffering, injury, pain, financial ruin, depression, desperation, hopelessness, and loss of the will or desire to live.[25] The labeling of mistreatment as neglectful, exploitative, or abusive may depend on its frequency, duration, intensity, severity, consequences, and cultural context.[26] Regardless of where mistreatment occurs, the older person's perception of the occurrence and the cultural context in which it occurs are important factors to consider when formulating methods to identify victims and design effective interventions.[27]

The National Center on Elder Abuse has identified six main types of perpetrator-related elder abuse: physical abuse, sexual abuse, emotional or psychological abuse, neglect, abandonment, and financial abuse.[28] Within these main types, abuse can be further classified according to the location where it occurs and the relationships between the victim and the perpetrator. Elder abuse in domestic situations, that is, within a person's own home or in the home of a caregiver, is generally differentiated from abuse within institutional settings, such as nursing homes, or in residential care settings, such as board and care homes.[29] Some analysts assert that domestic elder abuse is more prevalent than institutional elder abuse, in large part because the majority of dependent elders in the United States are cared for at home.[30] Elder abuse may be perpetrated by individuals who have a special preexisting relationship with the older person, such as spouses, children, other relatives, and paid caregivers, or by individuals who do not have such a special, existing relationship.[31] In reported cases of domestic elder abuse, family members are the most frequent perpetrators.[32]

Seminal Studies on Elder Abuse

The NEAIS was the first national study of the incidence of elder abuse in the United States.[33] This study provides useful information on the relative incidence of different types of elder abuse. Using a sample of 20 counties in 15 states, the study obtained data on incidence from two sources. The first source was local Adult Protective Services (APS) agencies responsible for receiving, investigating, and substantiating reports. The second source was 'sentinels'—specifically trained individuals working in a variety of community agencies that have frequent contacts with older persons. The sentinels' reports, which the study assumed were substantiated, were added to the APS reports. The study counted only unduplicated reports, and individuals were counted only once, even when more than one incident was reported for that person.

Using these two data sources to estimate total incidence, the NEAIS found that over 449,000 individuals aged 60 and older living in domestic settings were abused (including financially) or neglected in 1996.[34] Of this total, only 70,942 cases (16 percent) were reported to and substantiated by APS agencies; the remaining 378,982 cases (84 percent) were not. Based on these data, the authors concluded that, in 1996, over five times as many new cases of abuse and neglect were not reported to and substantiated by APS agencies.

The NEAIS findings confirmed a general belief that many incidents go unreported, and state agencies established to obtain reports of elder abuse receive reports of only the most visible and recurring instances of elder abuse.[35] Nonetheless, the NEAIS data showed that the number of APS elder abuse reports substantially increased during the past 10 years, an increase that exceeded the growth of the older population during the same period.[36]

Once the NEAIS findings were disseminated, the study's methodology was subject to criticism from the aging, social service, and research communities. Reported methodological issues included concerns that:

- the rules of inclusion for countable incidents were inconsistently applied;
- the sample was too small for the results to be generalizable;
- the mistreatment incidence rates derived from this study greatly underestimate the true scope of the problem of elder abuse because no direct assessment was made of the elderly population in question;
- the sample was biased because sentinels failed to reach isolated elders, and
- not all states in the sample have the same service inclusion criteria, so not all cases were counted.[37]

Despite these methodological issues, the NEAIS is the only national study of elder abuse conducted in the United States.[38] The NEAIS has proven useful in helping policy makers determine the relative incidence of different types of reported elder abuse, the characteristics of the victims and perpetrators, and the proportion of cases actually substantiated by APS agencies in 1996.

The second most widely cited study of elder abuse is the National Research Council issued a report titled *Elder Mistreatment: Abuse, Neglect, and Exploitation in an Aging America*, published in 2002. The National Institute on Aging, with support from the National Institutes of Health Office of Behavioral and Social Science Research and Office of Research on Women's Health and the Agency for Health Care Research and Quality, contracted with the National Academy of Sciences (NAS) to do the study. The NAS appointed a panel to review the risk and prevalence of elder abuse, including financial abuse, and neglect. The panel held a series of meetings and commissioned background papers to learn more about the prevalence and magnitude of elder mistreatment, the causes and consequences of elder mistreatment, and measures that could successfully be taken to prevent it or reduce its negative effects.

The goal of the report was to provide "a better understanding of the nature and scope of the problem, a necessary condition for the development of informed policies and programs to address it."[39] The report defined elder mistreatment as (1) intentional actions that cause harm or create a serious risk of harm to a vulnerable elder by a caregiver or other person who has a trust relationship with the elder or (2) failure by a caregiver to satisfy the elder's basic needs or to protect the elder from harm. The term "mistreatment" excluded cases involving victimization of elders by strangers and cases of self-neglect—the failure of elders to satisfy their own basic needs and to protect themselves from harm.

The report summarized the state of elder abuse research and described a number of weaknesses, including unclear and inconsistent definitions used to guide the research; unclear or inadequate measures; incomplete professional accounts; lack of population-based data; lack of prospective data; lack of control groups; and lack of systematic evaluation studies. The report stated that a number of factors accounted for these weaknesses, including insufficient funding and a small number of investigators pursuing this area of research; methodological uncertainties regarding the proper use of surveys; inadequate links between researchers and service agencies; lack of conceptual rigor; intertwined and varying research definitions and statutory definitions; and divergent research traditions in gerontology and family violence.

The report noted that, although elder mistreatment has attracted interest from some practitioners and policy makers during the past two decades, it has not received adequate research attention. The report's final research recommendation was that there needed to be an adequate, long-term commitment to research on elder mistreatment to develop the next generation of investigators.[40] The report concluded that "elder mistreatment research has thus far been confined to a small community of investigators who have produced a modest body of knowledge concerning the phenomenology, magnitude, etiology, and consequences of elder mistreatment."[41]

Nature and Scope of Financial Exploitation

Financial abuse is one of the six main types of perpetrator-related elder abuse identified by the National Center on Elder Abuse. It has been defined generally as "the improper use of an older person's assets," but financial abuse can range from the theft of inconsequential amounts of cash to theft of an individual's life savings and home. Financial abuse is also referred to as material abuse, material exploitation, financial exploitation of resources, financial mistreatment, financial victimization, economic victimization, and fiduciary abuse.[42]

Numerous types of activities can be considered to constitute financial abuse, including:

- taking money or property;
- forging a signature;
- getting a person to sign a deed, will, or power of attorney through deception, coercion, or undue influence;
- using the persons' property or possessions without permission;
- promising lifelong care in exchange for money or property and not following through on the promise; and
- confidence crimes ("cons"), fraud, or the use of deception, trickery, pretense, or dishonest acts or statements for financial gain.[43]

In seeking to understand how financial abuse occurs, some analysts have suggested various scenarios or types of cases.[44] The first type of case occurs when older persons are considered to be "financial prisoners." In this situation, an older person is physically, and perhaps psychologically, dependent on the primary caregiver, who isolates the older person and handles their assets. The older person typically loses the ability to say "no" to the caregiver and may even ratify suspicious transactions after the fact. Typically, abusers in these cases are very convincing and have very strong personalities.[45]

A second type of case involves older persons who are losing their ability to handle their financial affairs due to physical or cognitive impairments. Someone else, possibly a "new best friend" or "sweetheart," gradually assumes responsibility for handling the older person's financial affairs and subsequently engages in financial abuse. The responsibility is informal, and the older person generally has little or no knowledge of what is happening or its deleterious consequences.[46]

A third type of case involves older widows and widowers. In these instances, the deceased spouse handled the couple's financial affairs, and the surviving spouse does not know how to do so. Typically, elders in this situation are relieved when someone offers assistance with their finances and are unaware that they are subsequently being exploited. In this scenario, elders generally are unable to determine whether the person is trustworthy.[47]

A fourth type of case occurs when older persons have adamantly refused help and financial advice from reliable, responsible individuals who may or may not be relatives. They are very suspicious and typically end up placing control of their assets in the hands of a stranger, with the feeling that "at last I have found someone I can trust." The perpetrator may add to the older persons' suspiciousness by stating that others cannot be trusted, for example, "banks just want to sell you their products" and "relatives are just after your money".[48] This "trusted" individual may be very charming and may subsequently financially exploit the older person extensively.[49]

Individuals may have characteristics from several, if not all, of the above types of cases. However, these examples are illustrative only; other types of cases also exist. Whatever the scenario, victims may have no knowledge of being abused, and financial exploitation can occur for a long time before it is detected. This can occur, in particular, when the victim has turned over financial affairs to the abuser either informally or formally through a durable power of attorney. Victims may complain that they do not understand recent changes in their financial status, such as checks bouncing, or the lack of funds in their financial accounts.[50]

The NCPEA and other commentators have provided a list of signs or clues that financial abuse might be occurring or has occurred.[51] Although some of the indicators may have other causes and no single indicator can be taken as conclusive proof of financial abuse, patterns or clusters of these activities may suggest it is occurring or has occurred. Typical signs include:

- unpaid bills, eviction notices, or notices to discontinue utilities;
- unusual activity in bank accounts, including large, unexplained withdrawals, frequent transfers between accounts, or ATM withdrawals;
- bank statements and canceled checks no longer coming to the older person's home;
- beneficiary changes in a will or insurance policy;
- suspicious signatures on checks or other documents;
- care of older persons that is not commensurate with the size of their estate;
- caregivers overcharge for or do not deliver services;
- caregivers express excessive interest in the amount of money being spent on the older person;
- belongings or property are missing;
- significant changes in spending patterns;
- implausible explanations of how assets were used;
- family members living with the older person who refuse to pay rent or who coerce the older adult to take care of grandchildren without payment;
- new "best friends"; and
- use of powers of attorney for purposes beyond those for which they were executed.

Compared to physical and other types of abuse, financial abuse has received limited attention and has often not been assessed in elder abuse studies.[52] However, increasingly it has been viewed as "both sufficiently important to necessitate its inclusion in studies of elder abuse in general and sufficiently distinct to justify addressing it separately."[53]

Incidence and Prevalence of Financial Abuse

Although financial abuse has been described as the fastest growing form of elder abuse,[54] few studies have been conducted that can provide an accurate estimate of either the prevalence (total number of cases) or incidence (number of new cases within a given period of time) of victims of financial exploitation. Currently reported prevalence and incidence rates from various studies should be interpreted with caution given the variability in definitions used to measure financial abuse, the absence of both rigorous study designs and unbiased study samples from which to calculate these rates, and the underreporting of abuse cases.[55]

When calculating prevalence rates, the National Center for Elder Abuse relied on substantiated reports of elder abuse that were submitted to APS agencies in their sample in 1996. These reports included incident cases of financial or material exploitation among those persons aged 60 years and over living in non-institutional settings.[56] When reports of self-neglect were included in the total number of new reports, 18.6 percent of the 115,110 substantiated reports were reports of financial exploitation. When reports of self-neglect were excluded, financial exploitation occurred in 30.2 percent of the substantiated APS reports. Financial exploitation represented the third most prevalent category, behind neglect (48.7 percent) and emotional or psychological abuse (35.4 percent), but more prevalent than physical abuse (25.6 percent).

Prevalence rates from other research have varied considerably by study sample, region of the country, and period being investigated. For example, one study[57] reported that financial exploitation was the most frequent form of perpetrator-related elder abuse in Illinois. In one Massachusetts study[58], almost one-half of the cases of elder abuse that were serious enough to require reporting to a district attorney involved financial exploitation. A review of studies[59] through the mid-1990s indicated that between 33 percent and 53 percent of an estimated one million older abuse victims experienced financial abuse.

Accurate current data on financial abuse are difficult to obtain for a number of reasons. No national reporting mechanism exists to record the incidence or prevalence of financial abuse of older persons. Many victims are reluctant to report financial abuse. They may be embarrassed or ashamed to admit that a loved one or trusted friend or employee is abusing them. They may be reluctant to "turn in" the family member, friend, or employee, in part because they may be afraid of the abuser and fear retaliation. Other factors affecting the reporting of abuse include the fact that victims may be isolated, may fear loss of their independence, may not know where to turn for help, may view the abuse as normal, may be intimidated by the police and judicial system,[60] or may be too impaired to report it.[61]

If and when they do report, they may report it to the police but not the agency mandated to receive elder abuse reports. Even if law enforcement agencies do receive an abuse report, they generally do not categorize these crimes by the age of the victim, and so the crime may not be reported as an elder crime. Law enforcement agencies may also classify elder financial abuse differently depending on the method of abuse and the type of asset taken, for example, fraud versus theft or real estate versus cash.[62] Another factor is the lack of training about identification and reporting of financial abuse for bankers, lawyers, judges, medical staff, and other professionals who have contact with older persons. Additionally, these professionals are not generally required to report financial abuse.[63]

Moreover, when abuse is suspected by relatives or others who have a relationship with the victim or by social work or health professionals, it is very difficult to investigate and prove.[64] Practitioners may not be accustomed to asking clients questions about their personal finances. Adult protective service workers may not have received sufficient training in financial investigations, and social service agencies may lack resources to hire forensic investigators. In addition, law enforcement may lack training in initiating or carrying out financial investigations and in developing a rapport with older persons. Older persons may be reluctant to divulge the location of bank accounts or may state firmly that large checks given to new acquaintances were a "gift." Critical records may have been destroyed, and/or it may be difficult to check financial transactions given strict confidentiality guidelines which prohibit some financial institutions from sharing information with practitioners. In addition, forgery may be very hard to prove.

As discussed previously, when calculating incidence rates for all types of elder abuse, the NEAIS relied on reports submitted to and substantiated by APS agencies, which included cases of financial abuse among persons aged 60 years and over living in non-institutional settings.[65] Of all the elder abuse cases that APS agencies reported and substantiated, 30.2 percent were for financial abuse, higher than the proportion for physical abuse, which was 25.6 percent.[66]

Prevalence rates have been difficult to ascertain, in part due to the inability to substantiate them. To complicate matters further, standards for substantiation vary, depending on statutory definitions of "report" or of what constitutes financial abuse in a given state.[67] Prevalence rates calculated by other researchers vary considerably by study sample, region of the country, and period being investigated. For example, a study in Illinois reported that financial exploitation was the most frequent form of perpetrator-related elder abuse.[68] Another study in Massachusetts found that almost one-half of the cases of elder abuse that were serious enough to require reporting to a district attorney involved financial exploitation.[69] A review of studies through the mid-1990s indicated that between 33 and 53 percent of an estimated one million older abuse victims experienced financial abuse.[70]

Financial exploitation has been reported to occur more frequently in some minority populations. For example, Korean immigrants have been particularly likely to be victimized in this way in several study samples.[71,72,73] However, more research is needed before it will be possible to determine the nature and patterns of financial abuse in different ethnic groups. It remains unknown, for example, what culturally normative behaviors are considered to be mistreatment and what norms protect against or promote these forms of mistreatment.[74]

Although many analysts have asserted that financial abuse often occurs in tandem with other forms of elder abuse, it is not known how frequently this occurs.[75] One study of a county's investigated APS financial abuse reports found that caregiver neglect also occurred in 12.1 percent of these cases, physical abuse in 5.1 percent, and psychological abuse in 3.8 percent.[76] However, co-occurring abuse may not be documented, in part because elder abuse itself is underreported and, often, only the most serious allegations are tracked.[77]

Psychological and Physical Consequences of Elder Abuse

Little is known about the effects of elder abuse on the victim's psychological and physical status.[78] There is some evidence that samples of abused elders contain higher proportions of individuals with depression or psychological distress than are found among their non-abused cohorts.[79, 80] However, because these studies have been cross-sectional in design, there is no way of knowing whether these conditions predated or resulted from the mistreatment.[81] Clinicians suggest that other effects of elder abuse could include feelings of helplessness, alienation, guilt, shame, fear, anxiety, denial, and posttraumatic stress syndrome, though the incidence and prevalence of these conditions have not been investigated.[82]

The one empirical study that has examined the impact of mistreatment on victims' physical states (mortality) produced some disturbing results. Data from an annual health survey of 2,812 elders in New Haven, Connecticut were compared against reports of elder abuse, exploitation, and neglect made to the local Ombudsman/Elderly Protective Services agency over a 9-year period.[83] The mortality rates of the abused versus non-abused elders were tracked. Thirteen years following the initiation of the study, 40 percent of the non-reported (non-abused, non-neglected group) were still alive, whereas only 9 percent of the physically abused or neglected elders were still living. After adjusting for all possible factors that might affect mortality, including health and functional status, the researchers speculated that mistreatment caused extreme interpersonal stress that may have conferred an additional mortality risk. Although some contend that the abused versus non-abused populations were not sufficiently comparable for the results to be indicative of the actual impact of mistreatment,[84] one commentator stated that these disturbing findings "underscore the need for more research, not only on the psychosocial and physical consequences of mistreatment, but also on the effectiveness of current intervention strategies."[85]

II. Financial Exploitation of Older Persons: Conceptual Framework

The limited research on financial exploitation of older persons generally has lacked an overall conceptual framework to guide data collection efforts and provide a more effective assessment of the risk factors for, and consequences of, financial exploitation of older persons. The conceptual framework presented in this report may be used theoretically to better understand the etiology of financial exploitation, or empirically, to examine the varying likelihood of an event or set of events to cause financial harm to an older person. It is hoped this framework, will facilitate the development and implementation of more effective intervention strategies to reduce the risk of financial abuse among older persons.

The conceptual model of financial exploitation presented below was developed from the literature and current knowledge of financial abuse. This framework builds on the work of Schiamberg and Gans,[86] Bronfenbrenner,[87] and more recently, the work conducted by the National Research Council.[88] The overall framework, known as an applied ecological perspective, is conceived of as a complex of nested, interconnected systems. This framework, which has been used successfully to model elder abuse and neglect, as well as a variety of public health problems,[89] requires looking beyond the immediate relationship between two parties to investigate the relationships that occur between and across settings. When applied to the conceptualization of financial exploitation of older persons, the framework takes into account the fact that there are multiple processes unfolding over time among the victim of financial exploitation, the perpetrator, and other interested parties who are concerned about the older person in the context of changes in his/her physical, psychological, and social environment.

At the simplest level, there are two dimensions to the proposed conceptual model. First, there is the microlevel or microprocess, which includes the factors that could be associated with the risk of financial exploitation. Microprocess factors include characteristics of the subject at risk for financial exploitation and the relevant attributes of the perpetrator. Interactions between the victim and the perpetrator vary based on the level of social or economic dependence (status inequality), the type of the social relationship in which the interaction occurs, and the extent of power and exchange that occurs between the two individuals.

Second, factors at the macrolevel are embedded in the sociocultural and policy environment. Macrolevel factors include cultural norms/views of older persons in general; the public policies, programs, and statutes aimed at protecting older adults from financial exploitation; criminal and civil remedies; and programs for prevention.

To complicate the model somewhat further, the conceptual model presented in Figure 1 includes a group of factors, known as the social network, which may be available to support each of the individuals in the dyad (the victim and perpetrator). The social networks of a given individual "can serve critical functions of monitoring the situation and informing relevant others when shortfalls or problems arise. Their presence may also serve as a form of social control on the behavior of the focal parties."[90] In some prior conceptualizations of this model, the social network has been shown to be included in yet another layer—known as the mesosystem—located between the micro- and macrostructures.[91,92] However, both for ease in presentation and to highlight its importance as a risk factor influencing the likelihood that financial exploitation may occur, it has been included in the conceptual model as part of the microprocess.

Finally, the conceptual model presented includes outcomes, such as the physical, financial, and emotional health of the older person and the perpetrator, and the durability (or risk of termination) of the relationship itself. The outcomes, also part of the microprocess, have feedback effects on each of the domains listed above them. For example, mistreated older persons may become depressed and/or socially isolated as a result of being exploited. Their resulting weakened condition may enhance the likelihood that they will be exploited yet again. Similarly, a perpetrator having completed one incident of financial exploitation may become emboldened and more likely to repeat the abusive behavior. Therefore, the conceptual model of financial exploitation includes feedback loops that interact over time, representing a process-oriented account of financial exploitation. A process-oriented model is being proposed not only to examine the outcomes of the abuse, but also to assess the origins of the elder mistreatment and the feasibility of reversing the process through preventive and remedial measures.

Specific Components of the Conceptual Model

Figure 1 provides a general overview of the model, based largely on the model presented in *Elder Mistreatment: Abuse, Neglect and Exploitation in an Aging America.*[93] Each of the domains, as well as the prevailing knowledge of their role and contribution to the model, is described more fully in the following pages.

Individual-Level Factors (Victim) include demographic or socioeconomic background factors, including age, gender, education, race, ethnicity, religion, income and wealth; physical health status, including chronic conditions, physical functioning, and acute illness; psychological status, including depression, cognitive impairment, social competence, intelligence, and self-efficacy; and attitudes and beliefs about aging, family, and caregiving obligations.

Individual-Level Factors (Perpetrator) include a set of factors similar to those listed above, namely demographic or socioeconomic background factors; physical health status; psychological status; and attitudes and beliefs about aging, family, and caregiving obligations.

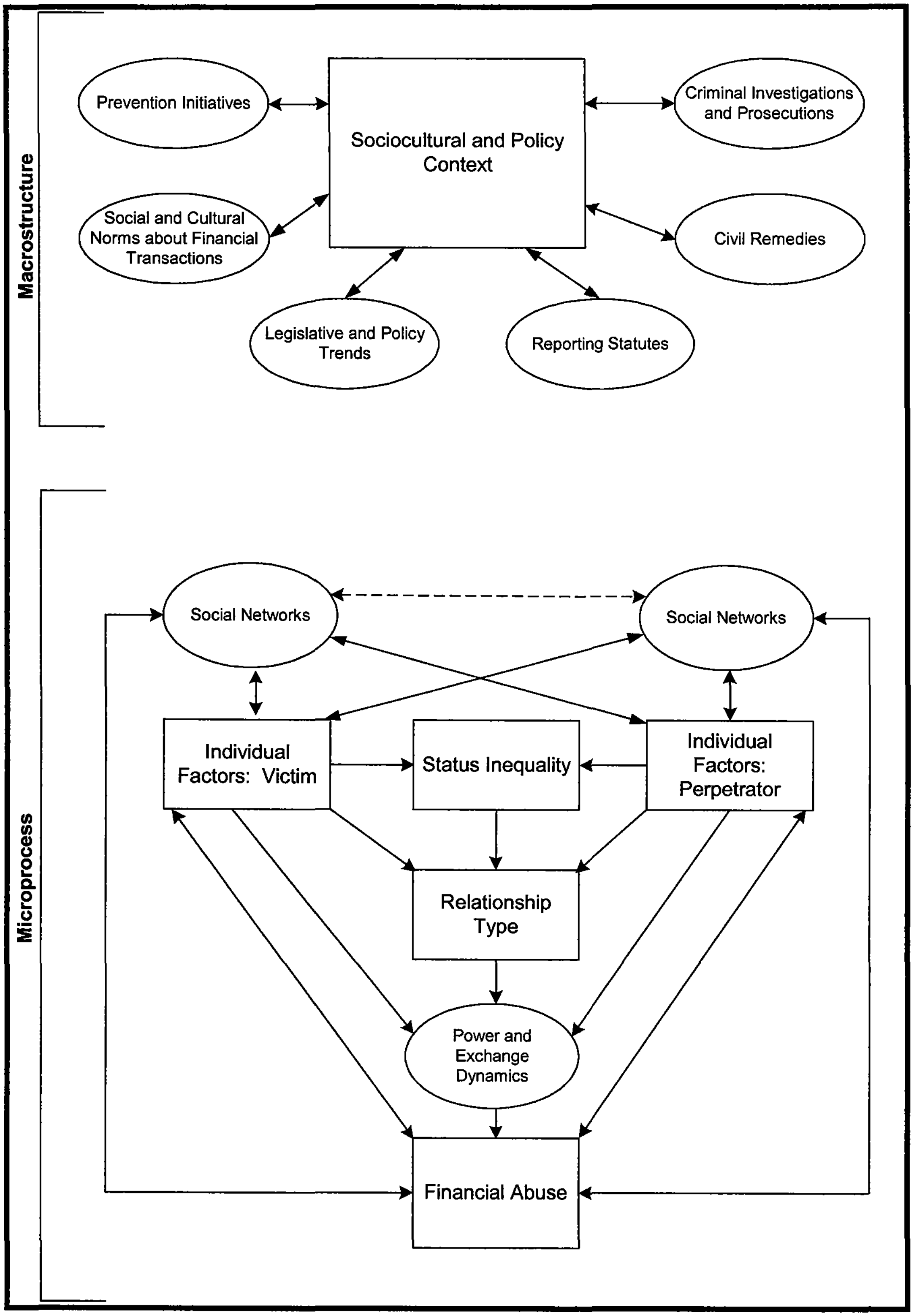

Figure 1. Conceptual Model of Financial Exploitation

Inequality in Social Status Factors include differences in gender, age, race, education, and wealth that define the level of social or economic dependence or tension between the two individuals.

Relationship Type includes factors such as whether the perpetrator lives with the victim, is married to him/her, is a relative, or is unrelated to the subject.

Power and Exchange Dynamics include factors such as the extent of control or influence that the perpetrator has over the victim, the extent of the victim's social isolation and/or dependency on the perpetrator for personal care assistance, and the degree of conflict between each party's expectations of the relationship.

Social Network Factors (Victim) include the sets of people who participate and are involved in the life of the older person. These factors have been described as the "social capital available" to the individual. The absence of a social network has been shown to greatly enhance the vulnerability of the older person to the risk of mistreatment.

Social Network Factors (Perpetrator) may or may not include some of the same sets of people who are involved in the life of the subject. The amount of overlap between the social networks of the subject and the perpetrator has been shown to have "attendant consequences for their efficiency in exerting social control"[94] over the interaction between the victim and the perpetrator.

Outcomes include the extent of the financial mistreatment and subsequent outcomes such as the financial, physical, and emotional well-being of the victim and perpetrator, the durability of the relationship, the victim's resulting sense of security and trust, and the perpetrator's accountability for his/her conduct.

Sociocultural and Policy Context (Macrolevel Factors) include the public policies developed to prevent, identify, and intervene when financial abuse has occurred; the legal remedies that have been made available to the victim (and his/her estate); the cultural norms and attitudes about what constitutes abuse; and federal, state and local programs that have been implemented to protect older adults from financial exploitation. This part of the model has been expanded in this document, as this is the environment where public policies, program initiatives, and legislative remedies are established.

The Role and Contribution of Each Factor in the Conceptual Model

Below is a summary of the microprocess component, which focuses primarily on the relationship between the victim and the perpetrator of the financial abuse. The microprocess portion of Figure 1 has been reproduced in Figure 2 to facilitate the presentation of this material. Following a detailed description of each element of the microprocess, we delineate the macrostructure of the model is delineated. The macroprocess is reproduced as a guide in Figure 3 and described in a later section.

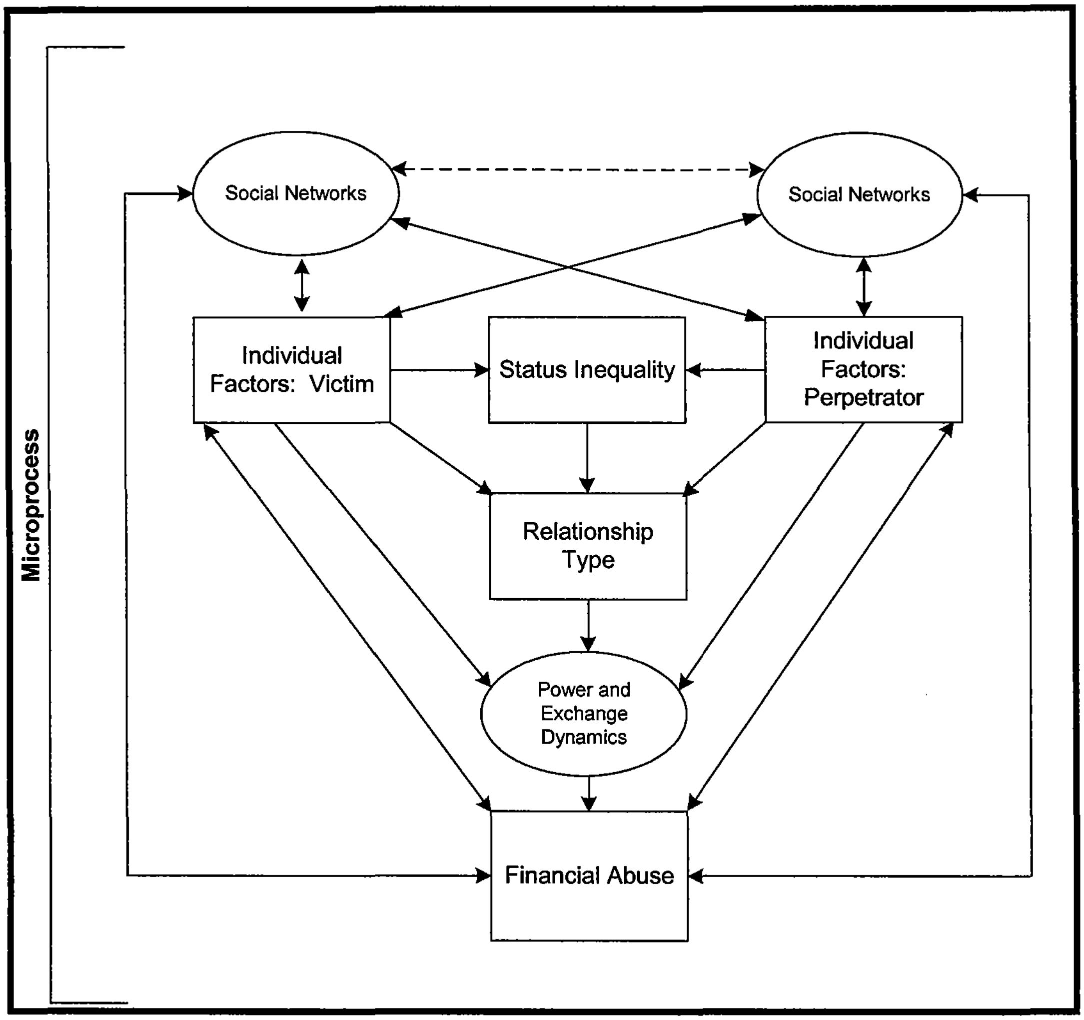

Figure 2. Conceptual Model of Financial Exploitation: Microprocess

Characteristics of the Older Person That Suggest Vulnerability to Abuse

According to the limited literature on risk factors for financial abuse among older persons, older women who are white and live alone have been considered the most likely victims of this type of abuse.[95,96,97] NEAIS, which has been criticized by some for its small sample size, use of sentinels to report episodes of abuse, and potential undercoverage of older adults who are isolated,[98,99] nonetheless reported some interesting findings, including that 91.8 percent of the victims of financial abuse were women (when relying on the reports of their "sentinel"). In contrast, APS reports from 1996 indicate that approximately 57.6 percent of reported incidents involved women victims, a few percentage points more than their percentage in the elder population at that time.[100]

The NEAIS also reported that the victims of financial exploitation tended to be the oldest-old, with 48.0 percent of substantiated APS reports and 25.3 percent of sentinel reports involving victims aged 80 and over, despite the fact that this population comprised only 19 percent of the total elderly population.[101] Finally, the NEAIS report stated that 83.0 percent of the substantiated

APS reports and 92.4 percent of the sentinel reports of financial abuse in 1996 involved white victims. Whites constituted 84.0 percent of the national population of elders during this same year.[102]

Several reasons have been given to explain why the majority of elder victims of reported financial abuse have been women,[103,104,105] beginning with the fact that a greater proportion of older persons, particularly the oldest-old, are women. A second reason that has been suggested is that perpetrators may perceive women as weak and vulnerable in general.[106] Third, in the current cohort of older persons, many women have not handled their own financial affairs, leaving this responsibility to their husbands. When their husbands die, or are no longer able to manage their finances, these women become especially good targets for perpetrators who offer "help" but instead steal valuable financial resources.[107]

The lack of familiarity with financial matters, whether male or female, enhances the likelihood of financial abuse.[108,109] Lack of familiarity with new methods for handling financial transactions, including Internet banking and similar electronic methods, further increase an individual's vulnerability.[110] In general, older persons who own their own home, considered a visible and substantial asset, are more likely to be exploited.[111,112]

Other factors that have been shown to increase the likelihood of financial abuse have focused on the social or health status of the elderly victim. Social isolation, recent loss of loved ones, and loneliness have been cited as risk factors in numerous studies.[113,114,115,116,117] Similarly, the presence of physical disabilities, such as severe limitations with activities and/or instrumental activities of daily living or significant sensory impairments, including vision and hearing deficits, create dependency on others. The presence of cognitive impairment also creates vulnerability in older persons and has been identified as a risk factor for potential financial abuse because of its negative affect on decision-making capacity, judgment, and memory.[118,119,120]

However, evaluating the capacity of an individual to make decisions can be difficult.[121] Some analysts suggest that assessment of the victim's decision-making capacity should focus on the victim's ability to process information and to weigh the risks and benefits to make a "reasoned" decision, rather then their ability to make the "right" decision or a decision in their "best interest." In other words, the determination of decision-making capacity should "refer to the individual's ability to assess and manipulate information, rather than the actual choice made,"[122] because persons of all ages with intact cognitive functioning and even superior intelligence can make financial decisions that objective observers could reasonably judge to be not in their best interest.

Characteristics of the Perpetrator

Although little research has been conducted on the characteristics of perpetrators,[123] there is considerable speculation about these factors by professionals interested in reducing this abuse. One set of motivational factors generally associated with all forms of elder abuse includes the perpetrator's substance abuse, mental health, gambling behavior, or financial problems.[124,125,126] Though data on the following characteristic has been difficult to substantiate, it has been argued that the action of the perpetrator may be modeled after prior behavior of the older person.[127,128,129]

A second set of motivational factors are linked particularly to perpetrators of financial abuse—those relating to a sense of entitlement. If perpetrators are heirs, they may feel justified in taking an "advance" or in exercising control over assets that are perceived to be "almost" or "rightfully" theirs.[130] They may also feel that it is necessary to take preemptive steps to secure assets in order to prevent the inheritance from being exhausted to pay for medical or long-term care expenses.[131] Similarly, perpetrators may feel they are entitled to "reimbursement" in return for having provided a substantial amount of personal care for the older person.[132] They may also feel that the older person has more assets than needed (while the perpetrator has too few), and as a result, the perpetrator is entitled to a share of the older person's assets.[133] Finally, a series of negative attitudes toward the older person may prompt the perpetrator to feel a sense of "entitlement" to these resources.[134,135]

Nonrelative perpetrators have been found to include career criminals, as well as those who have been overcome by greed under certain circumstances.[136,137] Among the characteristics that have been associated with perpetrators are relative youth, male gender, family membership, and certain negative personality traits. The NEAIS report highlighted the fact that over 45 percent of the perpetrators of financial exploitation of older persons were aged 40 or younger (compared to 27.4 percent for all forms of elder abuse combined). Another 39.5 percent were between the ages of 41 and 59. A slightly larger proportion of perpetrators of financial abuse were male (59.0 percent relative to 52.5 percent for all forms of elder abuse).

It has been noted that a large proportion of perpetrators of financial abuse are family members, especially adult children or grandchildren.[138,139] In the NEAIS report, over 60 percent of substantiated APS cases of financial abuse involved an adult child (relative to 47.3 percent for all forms of abuse), whereas only 4.9 percent involved a spouse (relative to 19 percent for all forms of abuse). A recent study of one county's APS reports of financial exploitation of older adults reported that approximately 40 percent of perpetrators were the victims' sons or daughters, 20 percent were other relatives (including only 1.5 percent of whom were spouses), and another 40 percent were nonrelatives.[140] A related study found that only 1.5 percent of spouses were perpetrators of financial exploitation (relative to 13.8 percent for all other abuse cases).[141]

Two "types" of perpetrators of financial abuse have been summarized from the medical literature by Tueth.[142] The first comprises "dysfunctional individuals with low self-esteem who may be abusing substances, psychosocially stressed, or suffering from caregiver burden."[143] Tueth describes these individuals as opportunists who may exploit the older person when the situation presents itself. Although these individuals generally do not aggressively seek out victims, when presented with opportunities to take advantage of an elderly person, they do so. The second more aggressive type has been defined by Tueth to include individuals with "antisocial personality disorder who have little regard for the rights of others and who methodically identify victims, establish power and control over them, and secure assets by using deceit, intimidation, and other forms of psychological abuse."[144]

Inequality in Social Status Factors

As noted previously, tensions between the subject and the perpetrator, due to the differences in age, gender, race, education, and wealth, can contribute to the level of social or economic dependence between the two individuals. It has been suggested, for example, that unemployed children living in the home of an older person might be more likely to exploit an older relative than would children having a steady income and/or a similar social status to their older parent. It has also been suggested that perpetrators of financial abuse tend to be relatively younger in age than perpetrators of physical and/or psychological abuse, have histories of substance abuse and/or financial difficulty, and often become financially dependent on their victims.[145] Wolf[146] has stated that perpetrator greed, combined with victim loneliness, may be among the most critical factors motivating this particular type of abuse.

Relationship Type

It has been suggested that determining whether or not financial abuse has occurred requires "an understanding of the relationship between the potential victim and the suspected wrongdoer."[147] This task involves identifying the nature and purpose of the relationship. Factors to be considered include whether the suspected wrongdoer is a family member or non-relative. Among relatives, it is important to determine the quality of the relationship (i.e., whether the relationship has improved or deteriorated lately, as well as the relationship in its historical context. What may be considered a typical or "normal" relationship will vary considerably across individuals and must be considered in a cultural context.[148]

If the relationship is between the victim and another party, such as a friend or neighbor, it is important to determine who initiated the relationship.[149] Additional factors to consider are whether the relationship has been long-standing and how the original purpose of the relationship has varied over time. In such relationships involving material exchanges, the standard generally relied on is "good faith," meaning that while the parties are assumed to negotiate from an altruistic or self-interested perspective, "they may not use misrepresentation or deception."[150]

When the relationship with the older person is a position of professional trust, he/she may be subject to ethical standards that prohibit conflicts of interest. Professional relationships in such areas as financial management, health care, and mental health impose a higher standard than "good faith." A second standard, based on professional obligation—a fiduciary responsibility—is a standard that "obliges a fiduciary to act in the best interests of the other party."[151] In some situations, an individual may move from a good-faith standard of reciprocal relations. For example, a change in role from assisting with housekeeping or serving as a landlord to assisting with the older person's finances, advising on investment strategies, or managing the older person's living arrangements. When this occurs, there is a suggestion of financial abuse when the relationship changes from the good-faith standard to the best-interest standard, yet the suspected perpetrator continues to serve in a self-serving role.[152]

Because little is known about the close ties that may develop naturally between perpetrators and the older potential victims, it is not straightforward to determine when exploitation, rather than normal gift-giving, has occurred. Making this determination is particularly challenging when the perpetrator is providing personal care and companionship to the older person in his/her home.[153]

Classifying the relationship between the older person and the potential perpetrator may be quite complicated partly because there may be cultural norms for sharing within families that "are unknown or at least not apparent to the outside observer."[154] In addition, the relationship between the two parties may change in a manner that makes assessment at one point in time inaccurate at another time.

Power and Exchange Dynamics

As noted above, these factors include the extent of control or influence that the perpetrator has over the subject, the extent of the subject's social isolation and dependency on the perpetrator for personal care assistance, and the degree of conflict between each party's view of the expectations of the relationship. Determining the extent of control of the perpetrator over the subject can be difficult, given that an intricate relationship may exist between the two parties. It has been suggested that "older people, who may no longer place as great a value on their material possessions, may give gifts as a means of maintaining a power balance in their relationship with the caregiver. At the same time, the caregiver may indicate that such gifts are necessary if the elder person wishes to retain the caregiver's attention and assistance."[155]

When the consent to transfer assets has been clearly provided, and has not been induced by fraud, duress, or undue influence, many assets can be transferred on a "relatively informal basis."[156] However, potential perpetrators, with motivations similar to those described in the Characteristics of the Perpetrator section, may assume consent to a transfer of funds by the victim when it was not actually given. They may also attempt to induce this consent by fraud, physical or emotional pressure (duress), or undue influence.

Perpetrators may prefer to prey on older adults who appear to be especially vulnerable, such as those who are physically ill or have cognitive or emotional impairments, dementia, or memory loss.[157] Among those who are at particular risk of being financially exploited are individuals who are very isolated or "are in major life transitions such as widowhood."[158]

Wilber and Reynolds[159] distinguish between four different types of influence, some of which indicate possible financial abuse. The first type, known as "benign influence" is described as "situations that are legitimate because the individual has not been tricked or forced into doing something (s)he did not wish to do or would not have done prior to incapacity."[160] In contrast, theft of resources taken without the consent of the subject constitutes abuse "regardless of other characteristics of the older person or the situation."[161]

The focus of the analysis, however, is on the remaining two types of abuse, namely fraud and coercion. The authors note that when fraud or coercion occur, it may appear that the older person willingly gave property, money, or resources to the perpetrator, although an examination of the underlying mechanisms suggests that "the older person was induced to do something [that] (s)he did not really wish or intend to do."[162] It has been suggested that the presence of financial abuse must be determined by observing the overall pattern of interactions and by inferring from them over time. What may appear to be benign influence in one situation "may instead be considered to be fraud or coercion in another depending on the subject's vulnerability as well as other characteristics of the situation."[163]

Fraud is defined as the taking of "money or property by deception, subterfuge, or misrepresentation. Typically, it involves a pattern of subtle abuses conducted through furtive and confusing transactions."[164] The central question to consider when examining whether fraud has occurred is whether the older person has the cognitive capacity to understand what is happening. If not, the deception becomes easier to perpetrate. It has been suggested that when cognitive impairment is present, the threshold of what constitutes fraud should be lowered to compensate for the fact that the individual has a lessened decision-making capacity.[165] However, even when individuals are considered capable and competent to understand the implications of their actions, undue influence, through fraud and coercion, can happen.[166]

Coercion is defined as "using domination, intimidation, or threat to force an individual to do something (s)he does not wish to do."[167] Coercion can be subtle or overt. This strategy, when done covertly, may include methods such as isolating the older person from previous contacts using claims that the subject is too ill to see people, intercepting correspondence and telephone calls, and convincing the older person that his/her former social contacts have abandoned him/her, "thus undermining the older person's sense of worth and self-esteem."[168] Unfortunately, this set of staged manipulations can increase the physical and emotional dependency of the older person on the perpetrator.

As with fraud, it may be difficult to ascertain the difference between coercion and benign influence due to the contextual characteristics of the given situation and the extent of vulnerability of the individual. Wilber and Reynolds suggest that "in general, the greater the dependency of the older adult on the suspected abuser, the lower the threshold for what constitutes coercion."[169]

> The greater the extent that an older individual suffers from cognitive, physical, and/or sensory impairment and therefore depends on the alleged wrongdoer for assistance, the greater the power imbalance. In addition to physical dependency, loss of loved ones and emotional dependence also increase an older person's vulnerability to abuse, particularly if (s)he attempts to fill an emotional void, unwittingly, with an exploitative relationship. ...To the extent that the older person is dependent on the relationship, the threshold for determining what constitutes fraud or coercion is lowered.[170]

A conceptual model, known as the I-D-E-A-L model to highlight the words **I**solation, **D**ependency, **E**motional Manipulation or **E**xploitation of Vulnerability, **A**cquiescence, and **L**oss, and the Undue Influence Worksheet have recently been developed for use by law enforcement personnel, prosecutors, civil attorneys, APS investigators, and members of the general public to more rapidly assess whether undue influence has occurred and to convey the necessary information in a concise and compelling manner.[171] This model, based on years of clinical experience in examining undue influence among older Americans, specifies that the following five conditions must coexist for undue influence against older persons to occur: (1) isolation of the victim from pertinent social contacts or information; (2) dependence upon the perpetrator; (3) emotional manipulation of the victim or exploitation of vulnerability; (4) acquiescence due to conditions (1), (2), and (3); and (5) actual financial loss. Each of these conditions is described below.

First, the victim is socially isolated from friends, relatives, or usual advisors. Although social isolation may include abduction or restraint of older persons in some instances, according to this model, it more commonly consists of preventing an older person from obtaining important information from others. Often, the older person is already isolated due to factors such as poor health, functional impairment, and death of friends and family.

Second, the dependence upon the perpetrator may be physical, emotional, or informational. Examples of physical dependence include needing help with food preparation, getting to the doctor, or getting in and out of bed. Examples of emotional dependence include having a son or daughter move back into the house of a widowed adult, having a new boyfriend/girlfriend, or having a caregiver move in.[172] Finally, examples of informational dependence include relying on professionals or advisors who misuse positions of trust to manipulate victims.[173] Although dependence on the perpetrator, in and of itself, may not be a risk factor for abuse, Blum warns that "the creation of a special, dependent relationship in conjunction with isolation and emotional manipulation is suspicious."[174]

Third, when isolation occurs in conjunction with emotional manipulation or exploitation of a weakness, perpetrators "often convince the victim that others are planning to take the elder's belongings and abandon him."[175] Blum states that the perpetrator creates an "Alice-in-Wonderland" vision in which the manipulator is portrayed as the only savior. At this point, the victim may display new or unusual behavior (such as accusing others of taking his/her money), as well as demonstrate fear, anxiety, distrust, affection, and dependence on the perpetrator.[176]

Fourth, the victim appears to consent or submit but does so as a result of being socially isolated, dependent on the perpetrator, and emotionally manipulated or exploited. According to this model, the victim gives the perpetrator money or property and/or allows the perpetrator to use the money or property for his/her own benefit. While this behavior initially may appear to be voluntary, Blum argues that it is not since it "is based on false or misleading information and promises."[177]

Fifth, actual financial loss incurs. Financial loss is usually necessary for criminal prosecution. However, it is not always necessary for civil litigation.[178]

Undue influence undermines/obviates the consent whether the victim is or is not legally competent. While the presence of undue influence does not reverse the transfer of assets (from the victim to the perpetrator), it does create a cause of action against the perpetrator.[179] Evidence of undue influence may be obtained by listing all pertinent events in the relationship between the victim and the perpetrator. These events, in and of themselves, may not appear to be significant; however, taken together, they can demonstrate a pattern of behavior revealing the existence of undue influence in the relationship.[180]

Social Network of the Victim

The social network of the victim includes all those individuals who are actively involved in the life of the older person, including family members, neighbors, and friends. As noted previously, these individuals have been described as the "social capital available" to the individual. Having family members and friends available who are actively participating in the life of the older person in good faith to assist with, or manage, the personal and/or financial affairs of the older subject has been shown to diminish the risk that the older person will experience financial abuse.[181] Quinn suggests that the best way to avoid situations of undue influence is to prevent isolation, by "having lots of friends and relatives of various ages who stay in close contact...Being active in community affairs, continuing education classes, senior centers or church provides a steady source of new acquaintances as old friends become ill, move away, or die."[182] Similarly, having multiple confidants and using long-time trusted financial advisors can "sound the alert" if and when there are radical changes in the subject's financial behavior.

Conversely, the absence of a social network may greatly enhance the vulnerability of the older person to the risk of financial mistreatment. Hafemeister warns that "a combination of denial of a need for such assistance, busy lives, and a reluctance to confront difficult issues" may keep many family members and significant others from actively assisting their older relatives.[183]

Social Network of the Perpetrator

The social network of the perpetrator may or may not include some of the same individuals in the older victim's network. Depending on the make-up of the network, whose members may intervene to stop abuse or inform critical others when problems arise, it may serve as a protective factor for the victim. Although little research has been conducted explicitly on the extent (or lack) of a social network for the perpetrator, perpetrators often have been described as having a "history of psychopathology, pathological family dynamics and interpersonal relationships...alcohol and other chemical dependency, [and] transgenerational violence as a learned behavior."[184] Some individuals who take care of older adults have been defined as career criminals, lacking a history of long-term, stable relationships. In some situations, there has been a history or pattern of abuse of multiple older persons over time.[185] Given these perpetrator characteristics, some interventionists have begun to focus not only on the victim, but also on the perpetrator to encourage the cultivation of positive social networks and improved relationships with older persons.

Financial Abuse

The conceptual model includes both short-term and longer-term outcomes of financial abuse. The immediate outcome is the extent of financial abuse: is it episodic or recurrent in nature, does it occur in isolation or in combination with other forms of abuse, what is the actual amount of resources taken? Subsequent outcomes include the financial, physical, and emotional well-being of the victim and perpetrator, the durability of the caregiving relationship, and the subject's resulting sense of security and trust. Although not systematically assessed, it is generally agreed that losing assets that have been accumulated over a lifetime, through hard work and deprivation, can be devastating, with significant practical and psychological consequences to the individual.[186,187,188,189]

Financial exploitation can create serious problems for older persons. Replacing lost assets is generally not a viable option for retired individuals or those with physical or mental disabilities.[190,191] By the time this type of abuse has been discovered, it may be too late to get any of the money or assets back, because many times the funds have already been spent.[192] In such a situation, many victims turn to and become dependent upon family members, creating additional stress within families that may already be economically strained.[193] Employed family members may need to take time off of work, decline opportunities for new projects or advancement, permanently reduce working hours, or even leave their jobs. The decrease in employee availability and performance, in turn, has implications for overall business productivity. Currently, there is no known estimate of the social costs of financial abuse on both individual and business productivity. Other victims may become destitute and end up depending on public programs for their survival. Their ability to trust others and their quality of life may suffer tremendously as a result of being financially exploited.

Victims may also experience a loss of confidence in their own financial abilities, stress, and isolation from family and friends.[194] In some cases, financial exploitation can lead to depression, hopelessness, or even suicide.[195,196]

When examining the effect of financial abuse on the victim it is necessary to consider whether the suspected perpetrator's interest prevailed at the expense of the older person. At the same time, the extent to which abuse exists must be weighed by the person's vulnerability to abuse and the nature of the relationship with the perpetrator. Finally, the approach used by the perpetrator to influence the subject's behavior should also be considered. Wilber and Reynolds' suggested analyzing the outcome of the relationship between the subject and the perpetrator in terms of the costs versus the benefits to the two parties involved. They suggested taking the "best-interest standard" one step further by examining "the outcome of the relationship in terms of whose interests were actually served."[197] In examining the benefit of transaction, it is important to determine how the older person's funds were expended. Fiduciary relationships require "that the older person's interests be preserved."[198] When it appears that the perpetrator has used the funds in an inappropriate way, three things must then be considered: (a) the extent to which the older person understood the transaction, (b) the extent to which the older person supported the relationship, and (c) the extent to which he/she also benefited from the transaction.[199]

Abuse is also suggested when the subject's basic needs are not being met. This may be most obvious when the care provider's nurturing nature changes as the older person's resources become exhausted.[200] In some cases, the caregiver/family member may abandon the older person altogether once the assets have been fully plundered.[201]

In the conceptual model shown in Figures 1 and 2, bidirectional rather than unidirectional arrows connect the outcomes to variables that precede them in the model. The model has been drawn to reflect the fact that the occurrence of an incident of financial mistreatment may increase the odds of additional events of mistreatment in the future.[202] As an example, a mistreated elder may respond with depression or social withdrawal as a direct or indirect reaction to the mistreatment—which may enhance the likelihood of being exposed to yet another incident.[203] Similarly, the perpetrator may feel increased isolation and stress as a result of the incident and become more likely to respond in an abusive manner in the future.[204] In summary, the conceptual

model depicts the relationship between the subject and the perpetrator as a time-dependent process with feedback loops that interact with other variables in the model over time.
In the following pages, we present a detailed description of the macrostructure of the conceptual model. For ease in presentation, we have reproduced part of the original model in Figure 3.

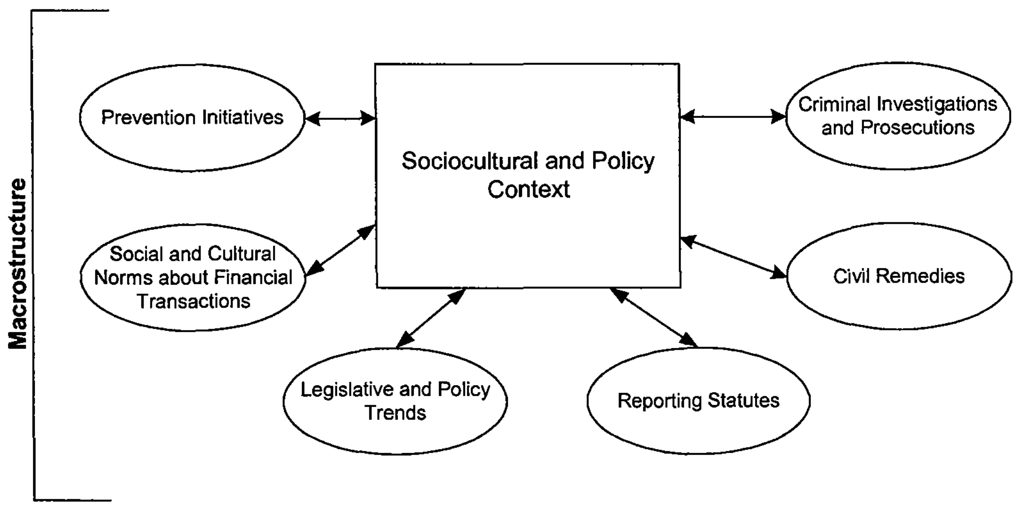

Figure 3. Conceptual Model of Financial Exploitation: Macrostructure

Sociocultural and Policy Context

The macrostructure factors associated with the conceptual model of financial exploitation include the underlying sociocultural features that give rise to abuse, as well as the public policies that have been developed to prevent financial abuse and to identify and intervene when a financial abuse has occurred. The elements covered in this portion of the conceptual model include the legal remedies (both criminal and civil) that have been made available to the victim (and his/her estate); the cultural norms that influence the definition of abuse in different populations; and the various prevention efforts that have been developed to protect older adults from financial exploitation.

Legislative and Policy Trends

There is no federal statute that deals directly with financial abuse of the elderly. However, this issue has been addressed in various ways by the states.[205] As greater attention has been paid to the issue of financial exploitation (due, in part, to the increasing numbers of individuals victimized by this type of abuse), new statutes and innovative policies and practices have been considered and implemented. Adult protective services professionals, lawyers, physicians, bankers, accountants, and law enforcement professionals have become involved in this process, recognizing that victims face many needs, including "protection from further abuse, aging and social services, civil legal services, restitution or compensation through the criminal justice system, victim services, mental health services, public guardianship services, ombudsman services, housing, medical services, and more."[206]

Every state has adopted some type of "adult protective services law" that enables state agencies to offer remedies to victims of elder abuse,[207] with each state having an APS agency designed to prevent and address the problems older persons may face.[208] The focus of these agencies is on maintaining a system for receiving reports of mistreatment, investigating cases, and providing protection or assistance to the subject rather than focusing on the perpetrator.[209,210] Most APS agencies focus on protecting the subject from further abuse, including obtaining protective orders and the initiation of guardianship to place the older person's assets in the hands of a guardian.[211]

One recent development has been the establishment of formal and informal "multidisciplinary teams" (MDTs), developed in numerous jurisdictions to combine forces and address the issue of financial exploitation of older persons. MDTs generally have been created to (1) discuss and address comprehensively the difficult cases in which victims have multiple needs and problems and (2) propose and seek improvements in responses to the problem of elder abuse. Although MDTs initially were not developed solely to focus on financial abuse, some MDTs do so. For example, in Los Angeles County, a Fiduciary Abuse Specialist Team (FAST), a well-known and highly regarded model, was implemented to bring together law enforcement officials, prosecutors, investigators, adult protective service works, bank executives, accountants, health and social service experts, civil lawyers, and others to analyze and respond to complex cases.[212,213] Several other communities, in and outside of California, have developed similar programs.

Reporting Statutes

At the present time, 44 states and the District of Columbia have enacted provisions in state APS law that mandate reporting by certain individuals, with the remaining states, including Colorado, New Jersey, New York, North Dakota, South Dakota, and Wisconsin, providing for the voluntary reporting of such abuse.[214] Although virtually all states mention financial exploitation in their reporting statutes,[215] they generally do not establish special procedures for the reporting and subsequent processing of reports of financial abuse. An exception to this general rule is Wisconsin, where investigations of reports of material financial abuse must begin within 5 business days, while investigations of other forms of elder abuse must begin within 24 hours.[216]

Generally, states with mandatory reporting laws impose penalties such as fines, imprisonment, or license revocation if the reporting does not occur within a specified period of time following the discovery of the abuse.[217] According to Roby and Sullivan,[218] approximately half of these states have universal mandatory reporting, whereas the remaining states limit mandatory reporting to specifically identified categories of professionals, including law enforcement officials, social workers, adult protective service workers, welfare and mental health workers, nursing home employees, and licensed health care providers. In a few states, certain types of individuals who have a confidential relationship with the older person, clergy, physicians, lawyers, and therapists, for example, are exempt from reporting, whereas in other states, reporting is mandatory despite conflicting confidentiality rules.[219,220] The type of professionals mandated to report cases varies from state to state[221] but penalties for not reporting elder abuse are rarely if ever used.[222]

Normally, reports are directed to an agency authorized to initiate an investigation and required within a specified period of time. If the agency that received the report is not a law enforcement agency, it is supposed to turn the matter over to a criminal justice agency when it determines that a crime may have been committed, though some states require that a competent victim give permission to proceed.[223,224,225] The agency authorized to initiate the investigation is typically also empowered to coordinate and/or provide services for the older victims and to intervene to protect endangered individuals.[226,227]

In general, third parties, rather than victims themselves, are those mostly likely to report elder abuse.[228,229,230] The NEAIS review of substantiated APS reports in 1996 found that 25.7 percent of all reports came from hospitals, physicians, nurses, and clinics, whereas 20.0 percent came from family members, 14.8 percent came from in-home or out-of-home providers, and only 8.8 percent came from the victim.[231] For financial abuse, the NEAIS review found that the three most common reporters were friends and neighbors (15.0 percent), hospitals (14.2 percent), and family members (14.0 percent).

Those reporting in good faith generally are given immunity, regardless of whether abuse was confirmed and regardless of whether the reports were mandated or voluntary.[232] In addition, in most states, professionals who report abuse are protected by "disclosure confidentiality" laws that prohibit the disclosure of the identity of the person providing the report without that person's written consent.[233] Considerable variation exists among states regarding when a report is required; most states have a more stringent standard for individuals having contact with older persons through their profession and a more generic standard for all other individuals.[234]

It has been argued that health care providers are in a unique position to detect the financial abuse of older persons.[235] These individuals may have the best opportunity to meet alone with the older person, learn that patients have been forced to sign documents, provide loans or gifts, determine whether the older person has executed a power of attorney when he/she lacked the mental capacity to do so, witness suspicious companions and their relationship with the older person, and/or detect neglect that reflects financial abuse.[236,237,238] However, physicians have been the least likely to report financial abuse.[239] Reasons given for the lack of assessing financial abuse include physician's consideration of it as an inappropriate topic to raise or belief that it goes beyond the scope of their evaluation.[240] In addition, most physicians have not been trained to assess undue influence, and few have been trained to assess mild cognitive impairment.[241] Physicians also may cite their busy schedules or lack of expertise and the absence of reliable, standardized protocols for determining whether financial abuse is present.[242] It has also been suggested that health care providers may not report financial abuse because they are uncertain where to make the report, feel that it will not make any difference for their patient, or rationalize away its existence.[243] At present, physicians are not required to assess financial exploitation, although in some states, they are required to report abuse either when it has been brought to their attention or when they suspect that it has occurred.

Some advocates have argued that adding financial institutions to the list of mandatory reporters would "prove a valuable weapon against [financial] abuse."[244] Similarly, lawyers have been identified as having a central role to play in identifying and preventing financial abuse of older persons.[245]

Although there has been interest in comparing results from mandatory reporting states to voluntary reporting states,[246] the U.S. General Accounting Office (GAO) reported over 10 years ago that increasing public and professional awareness of the nature and existence of elder abuse generally was more important in identifying cases than reporting requirements. Although the GAO study found that mandatory reporting laws were moderately effective in identifying elder abuse cases, these laws were not effective in preventing the first occurrence of abuse, or in treating substantiated cases.[247] It should be noted that while the GAO did not specifically examine financial abuse, it did include "material or financial exploitation" within its definition of abuse. The discussion of mandatory versus voluntary reporting generally has not focused exclusively on the issue of financial exploitation.[248,249,250]

Criminal Investigations and Prosecutions

Although the number of reported cases of financial abuse has increased dramatically during the past few years,[251] the successful prosecution of financial abuse of older persons has been characterized as rare.[252] Few prosecutions have extended beyond the investigatory phase, and most cases have been closed due to a lack of evidence.[253,254]

It has been argued that financial crimes have not been prosecuted to the same extent as other crimes because "they are seen as less serious than violent crimes."[255] When abuse involves the misuse of legal documents, for example, the inappropriate use of powers of attorney or forging someone's signature on a will, it is often considered by law enforcement to be a "civil matter."[256]

In addition, investigating and prosecuting financial crimes can be very costly and time-consuming. These cases may involve multiple victims, multiple charges, and multiple jurisdictions.[257] Months of extensive fact-finding, background work, and specialized training may be required. Because law enforcement agencies are eager to solve as many crimes as possible, when faced with having to choose between financial crimes and those that can be resolved more expeditiously, some law enforcement personnel assign a lower priority to financial crimes.[258]

Each jurisdiction has its own definitions or names associated with different criminal acts; however, similarities exist in what conduct is prohibited. Some commonly encountered crimes that have been associated with financial exploitation of older persons are reported below.[259]

- **Larceny**: the taking or stealing of the property of another with specific intent to permanently deprive the owner of it. Larceny is one form of theft.

- **Theft by trick and device**: obtaining another person's property by making a false promise without the intent to carry it out and with the intent to permanently deprive the owner of his/her property.

- **Theft by embezzlement**: accepting property from another while a relationship of trust or confidence exists and thereafter converting or appropriating the property to one's own use with the intent to permanently deprive the owner of it.

- **Theft by false pretenses**: obtaining property from another through a false or fraudulent representation with the specific intent to permanently deprive the owner of it.

- **Burglary:** the entering (or sometimes breaking in) of a building or other structure to commit theft or any other felony. In some states (e.g., California), entering a bank to fraudulently misuse another's check or ATM card is also burglary.

- **Forgery:** the unauthorized signing of a check, sales draft, or other written instrument of another with the intent to defraud. In addition, it is the passing or presenting of a counterfeit, false, or forged document of another with the intent to defraud.

- **False personation or impersonation**: presenting oneself as another and, in that assumed identity, obtaining money or property, knowing it is intended for the other person, with the intent to permanently deprive the owner of it.

- **Receiving or possessing stolen property**: knowingly buying or receiving stolen or extorted property or the concealing, withholding, or selling of property known to be stolen.

Two general categories of criminal laws that states use to punish individuals who financially abuse older persons have been outlined.[260] First, this type of abuse may be criminally prosecuted under a state's general theft, extortion, or fraud statutes. Second, perpetrators may be prosecuted under a specific penal statute that addresses one of the following: (1) the abuse of "vulnerable adults" (which either by legislation or by juridical interpretation has been extended to include elder persons), (2) elder abuse in general, or (3) the financial abuse of the older person specifically.[261] Although AARP has estimated that fewer than half of the states provide criminal penalties that directly address elder abuse,[262] it has not been empirically shown that the availability of such specifically targeted penal statutes results in either increased prosecution rates or deterrence of such crimes.[263]

Civil Remedies

Civil attorneys and civil courts "can play a fundamental role in stopping or preventing elder financial crimes and abuse"[264] by appointing guardians to supervise and make decisions for impaired older persons, hearing lawsuits to recover stolen or misappropriated money or assets, and developing protective legal mechanisms like trusts and durable powers of attorney to offer potential victims maximum protection. However, civil litigation for financial abuse has been infrequent.[265]

Publicly funded legal assistance programs could provide an alternative source of attorneys to potential victims. However, these types of cases are complex and time-consuming to litigate[266,267] and often such cases require multi-skilled attorneys who possess both litigation and financial expertise.[268] In addition, programs have experienced significant cutbacks in recent years and lack the resources to meet the demand.

A number of specific civil remedies that may be available when there is evidence of fraud, undue influence, or the abuse of power of attorney are described below.[269]

Tort Remedies for Conversion and Fraud. Although traditional tort remedies for conversion and fraud are among the civil penalties available for financial abuse, as noted previously, attorneys have been reluctant to pursue such civil remedies on behalf of their clients. An advantage of these types of remedies, however, is that punitive damages may be awarded against the perpetrator. However, curbs on punitive damages have been instituted in a number of states, and some judges are reluctant to allow them to be awarded.[270,271]

Undue Influence. Alternatively, it may be claimed that the transaction was the result of undue influence. Undue influence is "the concerted, deliberate effort to assume control over another person's decision-making."[272] It occurs when perpetrators use their roles and power "to exploit the trust, dependency, and fear of others to deceptively gain control over the decision-making of another."[273] Undue influence is a legal theory, not a remedy or a cause of action. The remedy for this abuse generally varies from state to state.[274] While both mentally competent persons and those with diminished mental capacity may be unduly influenced, those who are particularly vulnerable to undue influence include those who have developed a close relationship with the perpetrator, suffer from cognitive impairments, are socially isolated, or are undergoing a major life transition, such as widowhood.[275]

The standard used to establish undue influence has been criticized for being "extremely vague and difficult to prove."[276] Part of the difficulty in making an accurate assessment of undue influence stems from the fact that "it is a process as opposed to a discrete action, event, or condition."[277] To complicate matters further, a finding of undue influence may not return assets to a victim when the perpetrator has already transferred or sold them to a good-faith, bona fide purchaser.[278] In order to determine what has happened, the courts, attorneys, and judges increasingly are relying on experts to help interpret the actions of the perpetrator, who uses his/her power and authority to take advantage of the vulnerable older person's fears, loneliness, and frailty.[279]

Because little is known about the close ties that may develop naturally between perpetrators and the older potential victims, it is not straightforward to determine when exploitation, rather than normal gift-giving, has occurred. Making this determination is particularly challenging when the perpetrator is providing personal care and companionship to the older person in his/her home.[280] Recently developed screening and detection methods, such as Blum's I-D-E-A-L model,[281] which helps people determine whether psychosocial conditions are forming that will increase the likelihood of an undue influence situation[282] and introduced earlier in this paper, may prove increasingly useful to those evaluating the role of undue influence in the future.

Protective Orders. Protective orders have been identified as another type of civil remedy that may be available to redress or prevent financial exploitation of older perso[283]ns. Protective orders may be obtained to prevent the perpetrator from committing subsequent financial abuse, to require the perpetrator to stay away from the victim, and/or to require the perpetrator to account for, and/or pay the costs incurred by the victim when obtaining a protective order.[284,285] Although protective orders have been used successfully to restrain perpetrators of elder abuse in general, they do not appear to have been widely used in responding to the financial abuse of older persons.[286] Given lack of research on the impact of protective orders on the likelihood that older persons will be financially exploited, whether they will be effective in addressing this problem in the future remains unclear.[287]

Power of Attorney. A power of attorney is a written agreement used to enable one individual (known as the "principal") to appoint another individual (known as the "agent" or "attorney in fact") to act in place of, or on behalf of, the principal.[288] As an example, a homebound older relative may grant a power of attorney to his/her family member so that the relative may conduct banking transactions on his/her behalf. The person granting the power of attorney must be competent at the time of signing the document; otherwise, the power of attorney is invalid.[289] The power of attorney represents a voluntary action on the part of the person requesting it. It means "giving up some control, sometimes upon recognizing that physical functioning is becoming impaired."[290]

The power of attorney can be granted on a permanent basis or on a limited, or temporary, basis. The person who serves can be a financial advisor, a relative, or a friend. A limited power of attorney, for example, may be granted to cash a check, to draw on a bank account, or to sell real estate property. In contrast, a general power of attorney usually gives the attorney-in-fact the right to handle all financial affairs.[291] This type of power of attorney is typically used when the person needing help has ongoing physical limitations.

A power of attorney may become effective when it is signed, or be a "springing power of attorney" that takes effect at a specified time in the future, or at the onset of a specified event or contingency (such as the incapacity of the principal). The misuse of a power of attorney has been classified by the different states as a theft (Arizona), a violation of an elder adult abuse statute (Utah, Montana, and Nevada), an embezzlement (California, and Oklahoma), or an exploitation of an infirm individual (Louisiana).[292]

Durable powers of attorney were enacted by statute to enable individuals to plan for the possibility of incapacity.[293] A durable power of attorney means that "the principal, while presumably competent, designates an attorney-in-fact to make medical decisions or manage property, or both, in cases of future incompetence."[294] Durable powers of attorney can take two forms—one for health care and one for financial matters. Generally, separate documents are used for each form. Without this particular provision, a power of attorney is nondurable and terminates once the principal becomes incapacitated (unless otherwise indicated). Because powers of attorney are revoked automatically by law upon the grantor's incapacity or death; durable powers of attorney were enacted by statute to enable individuals to plan for the possibility of incapacity.

Durable powers of attorney can be simple, easily implemented tools for providing financial assistance to older persons, but they are also subject to abuse.[295] In fact, this type of power of attorney has been called a "license to steal" if the authority is given to, or taken by, untrustworthy individuals. Among the abuses that have been identified are having a power of attorney signed by a person who, because of the older person's cognitive impairment at the time of the signing, is unable to understand the document or the power it bestows, and thus uses the power after it has terminated.[296,297]

A number of criticisms exist about the power of attorney agreement. Because the law generally presumes that the agent has the principal's express permission to transact whatever business the document authorizes and unless the victim is able to testify to the contrary, which is often not possible, it is difficult to prove the case otherwise.[298,299] Additional criticisms of the power of attorney are that agents do not have to post a bond guaranteeing their adherence to designated fiduciary responsibilities; no notice of the assignment of this power to the agent is provided to other individuals, including family members of the older person; no third party oversees the actions taken by the agent; no requirement for the agent to maintain and/or present financial records; and no mechanism to recover illegally obtained or mishandled assets from the agent without the initiation of a civil law suit.[300]

Some states have considered ways to bring more oversight into the system, but these efforts have "met with mixed success."[301] For example, the State of California passed legislation allowing for court monitoring of powers of attorney. Such oversight was initially welcomed, but in some cases, court personnel ended up being placed in a position of monitoring attorneys-in-fact without sufficient information or resources. Furthermore, because the legislation did not provide for the courts to obtain inventories and appraisals of victims' assets when the powers were initially enacted, these documents were often obtained after the powers were enacted. As a result, the accountings obtained by the courts at a later point in time have been found to have little meaning.[302]

Given the continued lack of oversight of the power of attorney contract, some attorneys have begun advising their colleagues to craft power of attorney documents that include oversight provisions such as:

- granting only those powers that are needed;
- including a statement of the fiduciary duty of the agent that must be signed before the power of attorney takes effect;
- carefully crafting gifting clauses to protect the client from financial abuse;
- including oversight clauses so that an independent third party will have access to an accounting of financial transactions;
- drafting provisions explicitly documenting which records the agent must keep and for what period of time;
- including provisions indicating the proper titling of accounts between the agent and the principal (e.g., indicating explicitly that the agent may open power of attorney accounts and be listed only as the agent, rather than co-owner of the funds); and
- educating the client and agent about the responsibilities and powers assigned to the agent.[303]

Guardianship. Guardianships are granted "to stop abuse when severely impaired victims are unable to grasp the severity of their situations and refuse needed services."[304] Considered to be the most drastic step, they are used only as a last resort in response to a charge of financial exploitation.[305,306] They involve the appointment of a guardian (also known as a conservator in some states) who is responsible for making financial decisions on behalf of the older person.[307] Guardians have been considered an effective remedy when family members dispute the custody or assets of an impaired relative; when adult children want to claim inheritances prematurely; when significant others want to influence their older family members to make new wills; or to break a perpetrator's legal control over an incapacitated victim.[308] Guardianships may also be used when less restrictive legal devices, such as durable powers of attorney, have been misused.[309]

To appoint a guardian, the court requires evidence that the older person lacks decision-making capacity.[310] Because it is considered a drastic measure, concerted efforts have been made to establish less restrictive alternatives, including limited or partial guardianships and temporary guardianships.[311,312] Some of the difficulties associated with this mechanism include the costs of establishing a guardianship, which can be formidable for some older persons;[313] the complexity and intrusiveness of managing the guardianship; and the lack of reliable and trustworthy candidates to serve as guardians.[314] In addition, there is the required involvement of the courts, which may not be provided with critical information to conduct a neutral investigation of the capacity of the proposed guardian to provide needed services to the older persons.[315,316]

Public and private programs have emerged to protect against abuse of guardianships. Public guardianship programs have been created to serve vulnerable individuals and are generally considered to be effective.[317] However, many communities do not have public guardians, and if they do, the demand far exceeds the supply.[318] Some private, nonprofit agencies have started guardianship programs to supplement the services provided in the community.[319] Recently, private professional guardians and fiduciaries have emerged as a new field of specialization. Although public guardians may represent some clients with assets and charge them fees that are used to subsidize guardianship services provided to clients with few assets who could not afford to pay the fees of private guardians, private guardians normally work only with fee-for-service (paying) clients.[320,321]

The lack of oversight and accounting of guardians has been identified as yet another problem with the current system. Guardians are responsible for managing significant wealth and for ensuring the financial health of the older person,[322] but there is little screening of potential candidates and/or a review of their qualifications.[323] Although courts are charged with the responsibilities of ensuring a thorough review of the qualifications of guardians and that the powers assigned to guardians are not abused, "most courts throughout the country lack the resources to provide adequate investigation and ongoing monitoring of guardianships."[324]

Social and Cultural Norms About Financial Transactions

Societal views about financial transactions are important macroprocess factors that affect the way financial transactions are observed, understood, and interpreted. While financial transfers and gifts from parents to adult children and to friends and caretakers is a normal practice in our society, the existence of these norms contributes to the difficulty in identifying/detecting and proving financial abuse. Several elder advocates have asserted that, to determine whether financial abuse has occurred, it is necessary to consider the older person's perception of the purported abuse and the cultural context in which it occurs.[325,326,327,328] As an example, attitudes about the legitimacy of a gift may reflect expectations within a given culture that older persons will share their resources with family members in need, whereas other cultures may reject this notion.[329]

Similarly, some minority elders may only consider abuse to have occurred when committed in the context of family relationships.[330] Despite the fact that a large proportion of financial exploitation cases are committed by family members, having this more limited definition of financial abuse excludes consideration of financial abuse inflicted by people outside of the family, such as caregivers, or at locations outside the home. [331]This more narrow view of financial abuse in some minority settings has been attributed to the reluctance to turn to outsiders for friendship and the provision of services, and a history of being discriminated against, resulting in a lack of "sense of entitlement to needed services and fair treatment."[332]

In part because studies have shown considerable variation in what is defined as financial abuse across racial, cultural, and ethnic groups,[333,334,335] those investigating the impact of financial abuse on various subgroups of the population have argued that unless these differences are taken into account, efforts to prevent, identify, and remedy the results of financial abuse will not be fully successful.[336,337]

Prevention Initiatives

A large number of primary and secondary prevention programs have been developed at the national, state, and local levels to prevent (primary prevention) and/or identify and address financial exploitation after it has occurred (secondary and/or tertiary prevention). A brief discussion of the types of programs that have been developed is presented below, and a more extensive list is provided in Appendix A. Although a variety of approaches for preventing and/or identifying financial abuse have been implemented, few evaluations of the effectiveness of these efforts have been conducted to date.[338,339] In this section, the prevention programs are organized by type of individual charged with addressing the abuse.

Subject, Family, and Social Network of the Older Person. Because older adults who are socially isolated have been identified as being particularly vulnerable to financial exploitation,[340,341,342] it has been suggested that the best way to prevent financial exploitation is to prevent older persons from becoming isolated. While family members have been identified as the mostly likely perpetrators of financial abuse of the elderly, "anecdotal evidence suggests that such abuse is not the result of a conspiracy among a number of relatives, but rather represents the actions of a single family member who has isolated the elder person from other family members or friends."[343]

Thus, reducing social isolation may be effective in reducing the risk of financial exploitation. One prevention strategy is to encourage greater involvement by family and friends. Family members could encourage the older person to seek out peer support from volunteer programs. For example, the Senior Companion Program (SCP) is one of several federally funded programs that allow older volunteers to provide companionship and activity of daily living services to frail older persons who are vulnerable and need assistance to remain living at home.[344] Still another option for mobile elders is to become more active in community affairs, senior centers, or religious and/or charitable organizations.[345] It is also critically important to educate older persons about the risk of being victimized and to identify signs of potential abuse.[346,347]

A second set of primary prevention efforts involves establishment of a series of financial arrangements to pay for routine expenses. For example, checks received on a routine basis may be directly mailed to banks or electronic transfers can be initiated to reduce the risk of theft.[348,349] In addition, utility bills, insurance payments, and other routine expenses can be paid automatically from checking or saving accounts.[350] Similarly, as suggested under the Powers of Attorney section, family members can instruct banks to notify them or another third party when an attempt is made to expand the number of individuals with access to the older person's bank accounts. The designated third party could be charged with the task of determining if the individual should be given signature authority to use the older person's bank account before any transactions are allowed to occur.[351]

A similar set of prevention measures involves identifying someone to pay the bills on behalf of the older person.[352] Bill-paying services, family members, or trusted family friends can also be asked to review all documents before they are signed. References for people being hired to assume this role should be screened in advance, and particular attention should be given to individuals who try to isolate the older person during this period of time.[353]

A variety of suggestions have been made to prevent the abuse of a durable power of attorney.[354,355,356] Options for family members/friends include carefully selecting a trustworthy individual to act as the agent; appointing at least one additional party to oversee all transactions, thereby creating a check on individual transactions; and establishing a "springing power of attorney" that does not take effect until a specific event occurs, such as the loss of cognitive capacity. It has also been suggested to have two independent physicians certify that the individual is incapacitated to prevent the abuse of the older person's civil liberties.[357] Finally, important legal actions, such as preparing or revising a will and establishing a power of attorney, should be done with the assistance of a trusted lawyer.[358,359]

Attorneys. Attorneys have been identified as a group of individuals who may be in an excellent position to prevent, identify, and respond to the potential financial abuse of older persons.[360,361] Attorneys have been encouraged to become more sensitive to the potential for financial abuse when drawing up legal documents.[362,363] Recently, attorneys have been advised to encourage their clients to limit the authority granted when establishing a power of attorney and to monitor an agent's activity by requiring an annual accounting of the financial transactions undertaken.[364]

It has also been suggested that attorneys advocate more for their clients. Attorneys are being encouraged to inform their older clients of their rights to control their own assets and to make their own decisions. Attorneys could ensure that their clients are fully competent to sign financial and legal documents, and that they have not been coerced or forced to do so against their will. [365]One suggestion to help prevent financial exploitation of older persons is the adoption of attorney universal screening of all clients.[366] Universal screening refers to the "practice of asking all clients, patients, or customers whether they are experiencing a certain problem."[367] The rationale for recommending universal screening is that:

- victims often will not disclose their situation voluntarily, but will do so if asked;
- establishing the practice of asking all clients reduces the stigma felt by the victim and helps the professional [to] feel more comfortable about asking sensitive questions; and
- asking questions about and indicating an awareness of the issue indicates to clients that they can turn to [the professional] in the future for discussion and help.[368]

Some experts suggest that all elder law practitioners consider asking all clients questions about financial, as well as physical, abuse as part of their intake/interview process. Before clients are screened, it is suggested that attorneys should (1) determine who is the client (if it is not immediately obvious); (2) interview the client alone; and (3) explain that the professional routinely asks all clients these same questions in order to know about issues that may impact the older person's case and to represent the client more fully.

Screening questions to be asked by lawyers may include inquiries such as the following:

- Who manages your money and property?
- How do you obtain care when you need it?
- Does anyone else have authority to access your bank account?
- Have you noticed any suspicious or unusual items on your bills?
- Have you noticed that any funds are missing from your bank accounts?
- Have you noticed that any checks are missing from your checkbook?
- Has anyone encouraged or forced you to sign any documents that you did not understand or did not want to sign?[369]

A caveat applies when asking these questions to individuals from different cultures. As noted earlier, individuals from different cultural groups may have different perspectives on the nature of financial abuse than do members of the majority culture. As a result, developing culturally appropriate questions may be necessary when interviewing individuals having different backgrounds from the lawyers.

When primary prevention is not an option, secondary prevention efforts may be possible for family members and/or friends concerned about the well-being of the older person. These activities include asking the bank to "flag" any suspicious bank activity, closing old bank accounts and transferring funds to a new account, and taking steps to revoke a power of attorney.[370] In addition, the Social Security Administration, the Veterans Administration, or a pension board may be notified of the possible theft of checks, a new payee, or new arrangements for direct deposit of benefit or annuity checks.[371] Finally, family members/friends may take measures to remove a perpetrator from the home of the older victim and/or to establish a guardianship to protect the financial assets of the older person.[372]

Physicians and Other Health Care Providers. Physicians and other health care providers are in a special position to prevent and identify financial exploitation of older persons.[373,374,375,376] Besides caregivers, physicians and other health care providers may be the only ones to have an opportunity to visit alone with financially abused older patients. Proponents of this preventive approach believe physicians can help identify cases of potential abuse, report abuse, assess the long-term care needs of the older person, and determine whether the individual was functioning at a capacity level where s/he was fully capable of making his/her own decisions and responsible for his/her own financial exchanges.[377,378,379] In addition, physicians are in an excellent position to raise awareness among their own discipline and to assist with training and public education. Finally, physicians can "add to the limited data that quantify the extent of the problem and delineate optimal evaluation and intervention procedures."[380]

Nurses in community settings may also be able to assist in decreasing isolation and potential vulnerability to subsequent abuse. With proper education and training on elder abuse, financial abuse, appropriate reporting laws, and available community resources, nurses may be able to assess the level of social support available to an older person at risk, provide education on how to avoid financial exploitation, and appropriately refer individuals to volunteer service programs.[381] It has also been suggested that when a patient is diagnosed with a disorder that diminishes mental capacity, Alzheimer's disease, for example, nurses and other health care providers could serve in an advocacy position by warning the patient and family members about the potential for abuse and providing suggestions to avoid abuse, such as cosigners on bank accounts.[382,383]

Some physicians also have encouraged screening as a means to prevent financial abuse of older persons.[384,385,386] The American Medical Association has published voluntary guidelines recommending that, in cases of suspected abuse (not just financial), doctors ask questions outside the presence of the older persons' caregiver or family member, such as

- Has anyone at home ever hurt you?
- Has anyone ever scolded or threatened you?
- Have you ever signed any documents that you did not understand?
- Are you afraid of anyone?
- How or when does any mistreatment occur?
- How do you feel about it and cope with it? [387,388]

Additional education could be made available to health care providers so they are better able to identify warning signs[389] and understand the steps that can be taken to minimize or remedy financial abuse among older persons. In combination with clear protocols, such training could contribute to overcoming their reluctance to make such assessment and reporting a part of standard practice. Although some protocols have been developed for physicians[390,391], nurses[392], and emergency department personnel[393] to detect abuse, additional work is needed to make these materials more widely available and used by physicians and other health care professionals.

Fiduciaries. Additional preventive efforts have been suggested to minimize older persons' exposure to risk by fiduciaries. Fiduciaries are appointed to act on behalf of older persons. These individuals, by definition, exercise considerable control over the assets of an older person. Although steps can be taken when executing a financial advance directive to avoid being taken advantage of, these efforts have not always been successful when the designated agent actively engages in financial abuse.[394]

Of the recommendations that have been made to minimize the potential for financial abuse by fiduciaries, most have involved requests for improved tracking or accountability of the fiduciary.[395] It has been advised that in some circumstances, those acting under a power of attorney be required to submit annual statements detailing all financial transactions to a third party.[396] Others have suggested that guardians and conservators be subject to audits that would be performed by a state agency assigned to randomly select a small proportion of guardianships or conservatorships to review and investigate the wards' situations.[397] Also, it has been recommended that fiduciaries delegate some of the duties for supervising guardianships to other individuals who specialize in these appointments and may be better situated to investigate them.[398]

Some commentators have recommended that conservatorships or guardianships be avoided altogether or minimized. Some express concern that too many elders are not represented at their competency hearings, or assigned powers are overly broad. Also, statutorily required annual accountings often go unfiled, and the curtailed rights of the elderly are rarely reviewed and almost never restored.[399] Suggested alternatives include trusts, durable powers of attorneys, and other legal options that are more flexible and avoid judicial scrutiny.[400] Unfortunately, these alternatives are also subject to abuses, including a lack of oversight and proper means to ensure that assets are devoted to the needs of the older person.[401,402] Because no one option appears to be secure from abuse, one commentator concluded that "society may just have to rely on the person who takes care of the vulnerable and hope that that person does not take advantage of her position."[403]

Financial Institutions. Another group of individuals who are in an excellent position to identify potential victims of financial exploitation are bank employees and personnel of other financial institutions who routinely interact with older persons.[404,405,406] Banks are in a good position to observe financial abuse, and increased attention has been devoted to encouraging bank employees to identify and prevent potential abuse. Steps have been taken to provide special training for bank employees in the identification of possible cases of abuse of older persons' bank accounts, [407,408] in the dissemination of information on good financial practices and ways to prevent financial abuse,[409] and proper reporting when financial abuse is suspected.[410,411]

Among the elements of an elder financial abuse prevention program that may help a financial institution identify financial exploitation are

- training employees to identify potential warning signs of elder financial abuse;
- increased familiarity with elderly customers' banking habits and account activity;
- designating a responsible party at each branch of the bank who is responsible for evaluating and reporting instances of suspected financial exploitation;
- developing bank-sponsored educational activities as a service to older account holders (written materials that provide examples of abusive practices and fraud-related schemes and a listing of steps that can be taken to protect seniors from fraud can be distributed at teller windows or at information kiosks); and
- promoting educational outreach activities such as sponsoring financial literacy seminars for local seniors, focusing on their unique risks for abuse and exploitation.[412,413,414,415]

Potential barriers to the banking industry's participation in efforts to prevent financial exploitation include fear of jeopardizing the relationship of trust between customers and concerns about privacy laws and confidentiality requirements which could prohibit the disclosure of a client relationship or account information.[416] To respond to this concern, some advance directives have been designed specifically to allow banks to notify account holders and other parties when a level of activity that is not consistent with the client's usual patterns of activity has occurred.[417] Although financial institutions could be included in the list of mandated reporters of elder abuse, this approach has not been popular with the banking industry because of its fear of additional government control over, and involvement in, its operations.[418,419] Some states have instituted laws that protect employees of financial institutions who have a "reasonable suspicion that a consumer is a victim of a financial abuse"[420] when reporting this information to the proper authorities.

An alternative approach is to provide daily money management training or assistance to older persons or their family members to enable them to carry out the essential tasks of paying their bills and managing their financial affairs.[421,422,423] In addition, the daily money manager has emerged as someone specifically available to pay bills, fill out medical insurance forms, help prepare bank deposits, transfer funds between accounts, balance checkbooks, and keep track of the older persons' money.[424] When older adults rely on money managers to handle their affairs, it is recommended that those who are administering these services be bonded or insured and undergo a background check prior to being hired. Whereas these types of programs have developed in retirement communities, nonprofit neighborhood agencies, and similar community settings as part of their broader case-management function, it has been argued that these types of programs should be expanded to become more available to a larger proportion of the older population in need of financial advice and assistance.

III. CHALLENGES TO ADDRESSING FINANCIAL EXPLOITATION

This section provides a summary of the issues that present challenges to policy makers, the law enforcement and judicial systems, social service and other professionals, and financial institutions as they attempt to prevent, identify, and address financial exploitation of older persons. For purposes of discussion, we have organized the issues into two broad categories: those related to victims and those related to the systems responsible for addressing financial abuse.

Victim-related issues that present challenges include:
- relationships with perpetrators,
- reluctance to report victimization,
- impediments to prosecution and civil litigation, and
- lack of knowledge of resources and programs for seniors.

System-related issues that present challenges include
- difficulty determining whether financial abuse has occurred,
- lack of resources to deal with perpetrators,
- need for education and training about identification and reporting,
- few protections to prevent misuse of powers of attorney and guardianships,
- barriers to civil remedies,
- barriers to criminal remedies, and
- uncoordinated approaches to address financial abuse.

It is important to note that many victim-related challenges can interact with and reinforce system-related challenges. For example, the close relationships of victims and perpetrators can both facilitate financial abuse and impede detection and prosecution by law enforcement. Consequently, there will be some overlap in the following discussion of victim- and system-related challenges.

Victim-Related Issues

A number of victim-related characteristics and issues present challenges to preventing and stopping financial abuse of older persons. Each is discussed below.

Relationships with Perpetrators

The involvement of family members as perpetrators increases the difficulty of detecting, stopping, and proving financial abuse for several reasons. A large proportion of financial abuse perpetrators are family members, especially adult children or grandchildren.[425] According to the NEAIS report, over 60 percent of APS-substantiated financial abuse cases involved an adult child or other relative, compared to 47 percent for all forms of abuse.[426] Unrelated perpetrators include both career criminals and opportunists overcome by greed.[427]

Research on perpetrators has found that a sense of entitlement to the victim's resources is a common characteristic—and a motivational factor—linked to financial abuse. In particular, negative attitudes toward the older person may prompt the perpetrator to feel a sense of "entitlement" to their resources.[428] This sense of entitlement can motivate perpetrators in a variety of ways. Those who are heirs may feel justified in taking an "advance" or in exercising control over assets they perceive to be "almost" or "rightfully" theirs.[429] They may also feel that it is necessary to secure assets to prevent "their inheritance" from being used to pay for medical or long-term care expenses.[430] Those who provide a substantial amount of personal care and other services for the older person may feel entitled to "reimbursement."[431] This feeling can be reinforced if the perpetrator believes the older person has more assets than needed while they have too few, and as a result, the perpetrator believes s/he is entitled to a share of the older person's assets.[432]

Financial abuse by family members can take many forms. Perpetrators may assume a victim's consent to a transfer of funds, which is not, in fact, given. They may attempt to induce consent by fraud, physical or emotional pressure (duress), or undue influence—"the concerted, deliberate effort to assume control over another person's decision-making."[433] Undue influence involves the use of perpetrators' roles and power to exploit a person's trust, dependency, and fear of others to deceptively gain control over the victim's decision-making.[434] Among those who are at particular risk of being unduly influenced are individuals who have a close relationship with the perpetrator, suffer from cognitive impairment, are socially isolated, or are undergoing a major life transition such as widowhood.[435]

Reluctance to Report Victimization

A major barrier to stopping financial abuse once it has occurred is the victims' failure to report it.[436] Victims have many reasons for not reporting financial abuse. Some may perceive the abuse as "normal" and not know it is a crime, while others may simply lack information about who can help.[437] Some individuals may be embarrassed or ashamed to admit that a loved one or trusted friend or employee has taken money or assets from them.[438] Others may fear that family members or others will interpret the abuse as evidence of their inability to handle their affairs and that they may lose their independence through either guardianship proceedings or nursing home placement.[439] Many older persons may be afraid to report abuse because they fear retaliation by the abuser.[440] The presence of physical or mental impairments can also affect a victim's ability to report financial abuse.[441]

A key deterrent to reporting financial abuse by family members is the belief that it will necessitate the involvement of the police and the filing of criminal charges, which can be an intimidating prospect for many older persons.[442] Victims may not want the abuser to be criminally prosecuted, particularly if the person is a family member who is providing care. If they depend on the perpetrator for care or companionship, they may believe that they have no choice but to continue to live in the abusive relationship.[443] Others fail to report because they simply want to stop the abuse and recover what they have lost and do not believe that reporting to the police will accomplish this.[444]

Impediments to Prosecution and Civil Litigation

When third parties report abuse, many of the same victim characteristics that prevent reporting can impede prosecution and the initiation of civil litigation. Victims may fear that involving the legal system in their problems will lead to guardianship proceedings and nursing home placement, and that court intervention will not prevent further abuse or retaliation.[445] They may be reluctant to press charges against abusive family members or caregivers because they do not want to get them in trouble with the police. Older persons with poor health, physical or mental impairments, or caregiving responsibilities may be unable to meet with lawyers and participate in hearings and trials. Those who are able to participate may lack transportation, particularly if cases are prosecuted in jurisdictions other than those in which they live.[446] Victims who are reluctant to prosecute may refuse to cooperate or may recant their testimony. Victims with cognitive impairment who are unable to recall details of the crime or explain the true impact of the crime may be poor witnesses.[447]

Older victim's views of the courts and attitudes about the pursuit of legal remedies are viewed as significant barriers to legal involvement in all types of elder abuse.[448] However, some victims may not pursue appropriate legal remedies simply because they lack knowledge about their rights.[449]

Lack of Knowledge of Senior Resources and Programs

Many older persons may recognize that they need help to manage their financial affairs but not know if such help is available or where to obtain it. They may be grateful when an acquaintance offers to help them and not be able to judge the trustworthiness of that person to handle their affairs, setting the stage for possible financial abuse. Family members who are concerned that an older relative is being financially abused may not know where to turn for help. Unfortunately, the provision of information and outreach to victims and vulnerable older persons is a formidable challenge given the size of the population and the complexity of the information that needs to be conveyed.[450]

Once abused, many victims are not aware of the services that are available to help them.[451] Some victims may know there are services available but language barriers, cognitive impairment, physical disability, social isolation, and legal and illegal immigrants' fears about being deported may discourage them from seeking, or accepting, help.[452]

System-Related Issues

Several system-related characteristics and issues present challenges to preventing and stopping financial abuse of older persons. Each is discussed below.

Difficulty Determining Whether Financial Abuse Has Occurred

A major factor impeding efforts to address financial abuse is the inherent difficulty in determining whether it has occurred. To determine whether a particular financial transaction is legitimate or constitutes financial abuse, it is necessary to consider an older person's perception of the alleged abuse and the social and cultural context in which it occurs.[453] Financial transfers and gifts from parents to adult children, and to friends and caretakers, are considered a normal occurrence, and in some situations are expected. For example, there is a societal and cultural expectation in some communities that older persons will share available resources with family members in need.[454] Given such norms and expectations, it can be difficult to identify and prove financial abuse.[455]

Additionally, research has shown considerable variation in how financial abuse is defined across racial, cultural, and ethnic groups.[456] In particular, subject matter experts stressed that behaviors considered to be financial abuse in some minority cultures may vary dramatically from what the majority culture considers to be abusive behavior. Those investigating the impact of financial abuse on various subgroups of the population believe that, unless such differences are taken into account, efforts to prevent, identify, and remedy the results of financial abuse will not be completely successful.[457]

States also vary in how they define financial abuse.[458] In some states, the nature of the relationship between the older person and the alleged perpetrator—that is, whether the individual has a legal duty to provide care, is a family member, or a stranger—matters in determining whether financial abuse has occurred.[459] In most states, financial abuse of older persons falls under the general adult protection statute.[460] While most states specifically criminalize some type of financial abuse, the responsible entity for investigating it varies widely by locality and nature of the abuse. As an example, Ohio defines financial exploitation as "the unlawful or improper act of a caretaker using an adult or an adult's resources for monetary or personal benefit, profit, or gain."[461] This definition covers only perpetrators who are caretakers, but includes all adult victims, regardless of age. In contrast, Pennsylvania defines exploitation as "an act or course of conduct by a caretaker or other person against an older adult or an older adults' resources, without the informed consent of the older adult or with consent obtained through misrepresentation, coercion, or threats of force, that results in monetary, personal or other benefit, gain or profit for the perpetrator or monetary or personal loss to the older adult."[462] This definition identifies a perpetrator as any person who has exploited victims, but covers only older adult victims.

Lack of Resources to Deal with Perpetrators

Older victims may be reluctant to report financial exploitation because they want to protect the perpetrators, who may be a family member, from being reported to law enforcement authorities. Since state programs recognize that many older victims want to protect their relatives from being prosecuted, some community programs have attempted to work directly with perpetrators to prevent them from continuing to abuse their victims.[463] Although some state programs attempt to address both victims' and perpetrators' needs in order to end the exploitation and keep families intact, most administrative and APS agencies typically focus on receiving reports of mistreatment, investigating cases, and providing protection and assistance to the older victims, rather than dealing with the perpetrator.[464]

Perpetrator characteristics generally associated with all forms of elder abuse include substance abuse, mental problems, gambling behavior, and financial problems.[465] Perpetrator characteristics associated with financial abuse include relative youth, male gender, family membership, and certain negative personality traits. One financial abuse analyst categorized financial abuse perpetrators into two major types.[466] The first type includes "dysfunctional individuals with low self-esteem who may be abusing substances, psychosocially stressed, or suffering from caregiver burden."[467] These individuals are seen as opportunists who may exploit the older person when a situation presents itself. The second type is more aggressive and includes individuals with "antisocial personality disorder who have little regard for the rights of others and who methodically identify victims, establish power and control over them, and secure assets by using deceit, intimidation, and other forms of psychological abuse."[468] However, these are general types and do not necessarily include all perpetrators.

Need for Education and Training to Identify and Report Financial Abuse

A major challenge to addressing financial abuse is the need for education and training about methods to identify and report suspected or known abuse. Identification requires knowledge of an older person's finances, but relatives and others who have a relationship with older persons, including social work professionals, may not know how to ask about a person's financial affairs. Since financial information is generally considered private, asking for such information may arouse suspicion among some older persons.

During the past few years, an increasing number of policy makers, health care professionals, law enforcement personnel, and elder abuse specialists have encouraged attorneys, bank personnel, and other professionals who have contact with elderly persons to report suspected and known cases of financial abuse, but these efforts have met with varying degrees of success.[469] To increase reporting, some experts recommend:

- law enforcement personnel obtain training from national experts on financial abuse of older persons and statutes pertaining to reporting obligations;[470]
- attorneys obtain training from legal experts and elder abuse professionals to more aggressively advocate for their clients;[471] and
- bank personnel receive special training on identifying and reporting suspected financial abuse.[472]

Few Protections to Prevent Misuse of Powers of Attorney and Guardianships

Legal tools and remedies such as powers of attorney and guardianships can play a fundamental role in preventing and stopping elder financial abuse.[473] However, while intended to protect older persons, they can be, and have been, misused. Their misuse has been the subject of several recent media reports.

Powers of Attorney. Although powers of attorney are tools that can protect vulnerable persons from financial abuse, if the authority is given to or taken by untrustworthy individuals, they can become a "license to steal."[474] Recent media reports have highlighted the types of abuse that can occur, including theft of resources and having a power of attorney signed by a person who, due to cognitive impairment at the time of the signing, is unable to understand the document or the power it bestows.[475]

Subject matter experts have raised a number of concerns about the execution of powers of attorney by older persons, though the same concerns are relevant for persons of all ages who execute this legal document. Their concerns include the following:

- Few states require any type of registration by an agent.
- No mechanisms have been developed to ensure that the principal is mentally competent at the time of the signing and has not been coerced into signing.
- No process has been instituted to assure that older individuals realize the extent of the authority they are assigning.
- Individuals may feel a false sense of security by the fact that a notary must be present to witness the signing of a power of attorney document.
- No provisions require notification of a principal when the power of attorney has been exercised.
- Few methods exist to determine if a power of attorney is no longer effective or has been revoked.
- No legal or judicial oversight of the agent is generally provided.
- Agents do not have to post a bond guaranteeing their adherence to designated fiduciary responsibilities.
- Notice of the assignment of powers to an agent is not provided to other individuals (including the family members of the older person).
- The agent is not required to maintain and present financial records.
- There is no way to obtain illegally acquired or mishandled assets from the agent without the initiation of a civil law suit.[476]

The misuse of a power of attorney has been classified by different states as a theft (Arizona), a violation of an elder adult abuse statute (Utah, Montana and Nevada), an embezzlement (California and Oklahoma), or an exploitation of an infirm individual (Louisiana).[477] Because the law presumes that the designated individual (agent) has the older person's (principal's) express permission to execute whatever financial transaction the document authorizes, unless the principal is able to testify to the contrary, it is difficult to prove financial abuse through a power of attorney.[478]

Guardianships. **Guardianship proceedings** involve the appointment of a guardian (in some states called a conservator) who is responsible for making financial and other decisions on behalf of an incapacitated person.[479] Guardianships can be granted to stop financial and other types of abuse when severely impaired victims are unable to grasp the severity of their situations and refuse assistance.[480] They are an effective mechanism for breaking a perpetrator's legal control over an incapacitated victim, such as when a power of attorney is being misused.[481]

Although courts are charged with the responsibilities of (1) ensuring a thorough review of the qualifications of guardians and (2) ensuring that the powers assigned to guardians are not abused, most courts throughout the country lack the ability to provide adequate investigation and ongoing monitoring on guardianships.[482] Guardians are responsible for managing significant wealth and for ensuring the general and financial well-being of an older person, yet there is little screening of potential candidates or review of their qualifications.[483] Courts may have difficulty obtaining the information needed to conduct an investigation of the ability and trustworthiness of the proposed guardian to serve in this capacity.[484] Lack of oversight to ensure subsequent accountability by appointed guardians has been identified as yet another problem with the current guardianship system.[485] Recent media stories have reported incidents of guardians stealing funds from their wards or charging inordinately high expenses for their "services."

Barriers to Civil Remedies

Although protective orders are a potential remedy to stop financial abuse, and civil lawsuits are potential remedies to recover stolen or misappropriated assets, they are rarely used.

Protective Orders. Protective orders are a type of civil remedy that may be available to stop financial abuse of older persons by requiring perpetrators to stay away from a victim.[486] Although these orders have been used successfully to restrain perpetrators of physical or emotional abuse, they do not appear to have been widely used in financial abuse cases.[487] They are potentially useful when the financial abuse is occurring in the person's presence, such as when personal items are being taken from a person's home. However, they provide no protection when financial abuse is occurring through misuse of a power of attorney or other methods that do not require the victim's presence.

Civil Lawsuits. Civil lawsuits to recover stolen or misappropriated assets are an option for victims of financial abuse, but such litigation has been infrequent for several reasons.[488] A major one is victims' unwillingness to initiate proceedings against a friend or relative. In many cases, victims may lack the resources to pay attorneys fees, or the fees may exceed the amount of the financial loss they are attempting to recover.

Another difficulty is that the standard of proof applied to some civil cases is "clear and convincing" evidence that the abuse has occurred.[489] Some analysts argue that this standard is too stringent and suggest instead that "a preponderance of evidence" standard be applied.[490]

Problems of proof have also been cited as a challenge for attorneys taking on such cases, as victims often have diminished mental capacity and memory loss, which can make them poor witnesses.[491] Another related barrier is the lack of agreement over what level of decision-making capacity is needed for various legally significant actions. Although there is general agreement over the level of cognitive ability needed to make a will, there is much less agreement about decisions such as giving gifts to others.[492]

A final barrier to the pursuit of civil lawsuits is the lack of incentives for attorneys to handle financial abuse cases.[493] Many cases are financially risky for attorneys who invest considerable time in the case and may not be reimbursed if the victim dies before the case is resolved. In addition, it may be difficult to receive payment for attorneys' fees because the perpetrators may be judgment proof—that is, they may have no assets from which victims can be reimbursed and attorneys' fees paid.[494] Also, civil judges who handle these types of cases may be reluctant to award attorney's fees, especially in cases where the damage is small and the fees are high by comparison. When defense attorneys offer to settle, the first thing that often gets struck from the settlement is attorneys' fees.[495]

Barriers to Criminal Remedies

When relatives, friends, social work professionals, or others who have a relationship with the victim suspect financial abuse, it can be very difficult to investigate and prove.[496] Although the number of reported and substantiated cases of financial abuse has increased dramatically during the past few years,[497] successful prosecution of financial abuse of older persons has been characterized as rare.[498] Few prosecutions have continued beyond the investigatory phase, and most cases have been closed due to a lack of evidence.[499]

Analysts suggest that financial crimes are not prosecuted to the same extent as other crimes because some law enforcement personnel, civil attorneys, and social service personnel view financial abuse as less important than other types of crime.[500] Some law enforcement officials view financial crimes as either strictly civil matters, thereby discouraging their criminal prosecution, or as less serious than violent crimes, thus considering them less "worthy" of investigation.[501] Additionally, because law enforcement agencies are eager to solve as many crimes as possible, when faced with having to choose between financial crimes and those that can be resolved more expeditiously, some law enforcement personnel assign a lower priority to financial crimes.[502]

Research has identified a number of specific barriers that impede investigations and prosecutions of financial crimes. First, the initial task of defining financial abuse has been characterized as "daunting."[503] Investigating and prosecuting financial crimes can be very costly and time-consuming, particularly if they involve multiple victims, multiple charges, and multiple jurisdictions.[504] Accurately determining whether financial abuse has occurred "often requires complex and subjective determinations to distinguish between acceptable transactions and exploitative conduct and to separate misconduct from mismanagement."[505] Successfully investigating and prosecuting financial abuse usually requires expertise across a range of content areas, and most law enforcement personnel and many prosecutors lack this expertise. Training is often not provided, or is reduced to accommodate frequent rotations through assignments, thereby reducing opportunities for acquiring this knowledge.[506,507,508,509]

Second, if the victim displays diminished mental capacity, it may be unclear whether the potential victim understood and agreed to the financial transaction. It can also be difficult to prove that the older person was a victim of undue influence, unfair persuasion, or coercion.[510] As a result, prosecutors may be unwilling to pursue cases with older financial crime victims because they may be poor witnesses, particularly if they are unable to recall the details of a crime due to diminished mental capacity.[511] To complicate matters further, very frail victims are more inclined to refuse to participate, become incapacitated, or die during the course of what often become protracted proceedings.[512]

Third, those responsible for investigating and prosecuting financial abuse must often review and evaluate complex and voluminous records, frequently without the assistance of a witness who is able or willing to testify.[513] Relevant documents may be in the hands of perpetrators or destroyed.[514] Similarly, bank officials may resist releasing records for fear of breaching privacy or breaking confidentiality agreements.[515] Even when an investigation is proceeding, perpetrators may still be able to deplete victims' assets because many states' laws do not permit assets to be frozen and do not limit an alleged perpetrators' ability to have access to a victim's assets.[516]

In many instances, restitution for the victims has not been a priority of the criminal justice system.[517] Several commentators have noted that judges have failed to order restitution, prosecutors have not asked for it, the legal system has not considered the full value of the victims' financial losses, no designated agency oversees the restitution process, and victims are not provided assistance to recover funds.[518] Finally, restitution statutes do not cover some financial losses.[519]

Although interest in financial abuse has increased significantly in the past decade, such abuse still tends to be viewed as a civil rather than criminal concern, especially when legal instruments, such as trusts, powers of attorney, real estate documents, and securities are involved.[520]

Uncoordinated Approaches to Address Financial Abuse

No federal statutes deal directly with financial abuse of older persons. States have addressed the issue in various ways through the enactment of statutes and the implementation of innovative policies and practices.[521] Every state has adopted some type of "adult protective services law" that enables state agencies to offer remedies to victims of elder abuse, and each state has an APS agency designated to prevent and address the problems older persons may face.[522] The focus of these agencies is on maintaining a system for receiving reports of mistreatment, investigating cases, and providing protection or assistance to the victim.[523] Most APS agencies focus on protecting the victim and initiating guardianship proceedings when indicated.[524]

With numerous agencies handling cases that involve financial crimes, including, but not limited to, local law enforcement, APS, aging services, and the Social Security Administration, victims may be uncertain about where to report incidents of financial abuse.[525] Service providers and advocates may not know which agencies are supposed to handle specific types of financial crimes. Personnel from federal agencies may also be unclear about the jurisdiction in particular cases.[526] For example, a crime involving a credit card could constitute both mail fraud and credit card fraud; thereby falling under the jurisdiction of the Postal Service and Secret Service.[527]

Additionally, financial abuse victims may have multiple needs, including "protection from further abuse, health and long-term care services, social services, civil legal services, restitution or compensation through the criminal justice system, victim services, mental health services, public guardianship services, ombudsman services, and housing services."[528] Some subject matter experts have suggested that policy makers and government officials work together to clarify the appropriate roles of individuals, organizations, and agencies in the private and public sectors to identify to whom older persons should turn to allow for a more timely and appropriate response to financial abuse.[529]

This section has outlined the many complex issues and challenges faced by those attempting to address financial exploitation of older persons. Section IV and Appendix A presents some of the innovative programs at the national, state, and local levels and the range of services they provide to address these challenges.

IV. Current Approaches to Address Financial Exploitation

The identification of policies and approaches for preventing, identifying, and intervening to stop financial abuse was a major component of this study. Many programs at the national, state, and local levels provide a range of services that address many of the challenges identified in the previous section. In some cases, the programs' goals are to prevent and address all types of elder abuse, including financial abuse. Some of these programs are or have been supported with grant funding from the Administration on Aging and the Department of Justice. This section provides a brief summary of a sample of the programs we identified, including those we studied in depth during site visits to four states. Appendix A lists with brief descriptions more programs identified across the country.

Initiatives Addressing Victim-Related Challenges

Initiatives to Address Risks for Victimization

Several programs seek to reduce the risk of financial abuse by addressing lack of familiarity with financial matters and social isolation among older persons. These programs educate and intervene with vulnerable elders, and some also monitor them for signs of abuse. One of these programs, *Daily Money Management,* uses trained volunteers to educate older persons about establishing a budget, paying bills, and managing a checking account. These and similar programs also generally offer Representative Payee services for government benefits such as Social Security payments. The program is sponsored by AARP and others in over 20 states and the District of Columbia.

Another approach to reducing the risk of financial abuse is to educate older persons about the specific techniques that financial abuse perpetrators use. For example, the *Clergy Against Senior Exploitation (CASE) Partnership* in Denver, Colorado, advises participants in its training sessions about powers of attorney and how to structure their finances to prevent another person from gaining control.

A program that addressed the increased risk for financial and other types of abuse among older persons who were socially isolated was the *Sentinel Project.* This program was developed by the National Center on Elder Abuse (NCEA) to identify and assist isolated elders who may have been at risk of abuse and neglect. The program targeted elder abuse generally, and financial abuse by family and friends specifically. The NCEA established partnerships with the Humane Society of the United States, the Meals on Wheels Association of America, and the National Association of Retired Senior Volunteer Program Directors to create programs to train their workers and affiliates to look for signs of elder abuse, including financial abuse, among the socially isolated older persons with whom they had contact. A local program in Miami, Florida—*The Little Havana Activities and Nutrition Centers*—offers social interaction to frail elders in their homes and in activity centers and brings suspected abuse to the attention of appropriate agencies. Lifespan, in Rochester, New York, provides personal contact and financial counseling to vulnerable elders through home visits conducted by social workers.

Initiatives to Address Relationships with Perpetrators

The close relationship between many perpetrators and their victims is a major challenge in addressing elder financial abuse because it inhibits detection, reporting, and prosecution. One approach to addressing this challenge is for investigatory agencies to develop awareness of and sensitivity to issues in victim-perpetrator relationships. The San Diego Elder Abuse Unit works with victims to develop a statement that expresses how they want the perpetrator to be dealt with, which is taken into account by those managing the case. California's Elder Financial Protective Services program uses investigatory techniques that have a high degree of sensitivity to the relationship between victims and perpetrators. During the investigation, the agency makes a videotape of victim testimony, both privately and in the presence of the accused perpetrator, to document the relationship between the victim and perpetrator and potential undue influence by the perpetrator.

Initiatives to Address Reluctance to Report Victimization

Victims fail to report financial abuse for numerous reasons, including reluctance to report family members, language barriers, lack of information about where to turn for help, or feeling intimidated by the police or judicial system.[530] Feeling intimidated by the law enforcement and the judicial system can stem from unfamiliarity with or misinformation about how the systems operate. One program working to address this barrier to reporting is the national *TRIAD* initiative, in which law enforcement personnel and older volunteers work together to involve older persons in combating elder abuse, including financial abuse. The program organizes a local volunteer SALT (Seniors and Law Enforcement Together) council made up of older persons, which plans and offers elder crime prevention programs with the support of local sheriff and police departments.

Other programs, such as *Crime Watch* in Ohio, try to make older persons more comfortable with the legal system. Working with AARP and local agencies around the state, an investigator from the Attorney General's office organizes groups of elderly persons to attend and observe court proceedings for elder abuse cases. In addition to supporting the victim by their presence, the elders become familiar with the state Attorney General's office on a personal basis. Often, they also have the opportunity to question judges after the proceedings conclude.

To address language barriers, Legal Services for the Elderly in Maine provides services in 11 languages. The Ventura County District Attorney's office and the Little Havana program in Miami offer services and materials in Spanish and English.

Initiatives to Address Perceived Barriers to Prosecution and Civil Litigation

Even when financial abuse is reported by a third party and is under investigation, victims' concerns stemming from their relationship with the perpetrator can impede prosecution. Victims may refuse to cooperate, recant their testimony, or insist that stolen assets were gifts. To address victim's fears and concerns, and their reluctance to prosecute perpetrators, the San Diego County District Attorney's office in California has prosecutors work with victims to determine what they think is a just penalty for the perpetrator. To address feelings of intimidation, the office provides a comfortable setting where victims can relax while talking to the staff and waiting to testify. Another initiative undertaken by a court system, the Elder Justice Center in Tampa, Florida, provides court counselors to provide elderly persons with personal support during proceedings concerning potential abuse by guardians.

Victims who are cognitively impaired may make successful prosecution difficult if they are unable to recall details of the crime while giving testimony.[531] Elder Financial Protective Services in California has adopted innovative approaches to aid victims who are cognitively impaired and those who may have difficulty remembering the details of a crime. They screen for cognitive impairment to identify individuals who may need a professional assessment to determine and document their vulnerability. For those victims who can testify, their testimony is videotaped at the time of the police investigation; the tape is then shown to the victims before they appear in court to help refresh their memory about details of the crime.

Initiatives to Address Lack of Knowledge of Senior Resources and Programs

Even when older persons recognize that they need help to manage their financial affairs, they may not know if such help is available or how to obtain it. Several initiatives educate potential victims about financial abuse and raise the visibility of assistance programs. For example, Monroe County, in New York, developed its own elder abuse program under the acronym PRIDE (Promoting Respect, Integrity, and Dignity in Elders), incorporating a general informational campaign with a toll-free telephone number and a Web site. The Web site, http://www.monroecounty.gov/aging-pride.php, provides a description of the signs and symptoms of elder abuse, including financial abuse, and lists the support programs and protective contacts available in the community.

Central California Legal Services, a grant-supported nonprofit law firm, conducts outreach activities among the low-income population in six counties, with an emphasis on elder abuse. The firm provides free legal assistance through local offices throughout its service area, publicizing elder abuse as one of its specialties. The firm also sponsors an annual elder abuse training conference. Several programs in Colorado also provide education and raise the visibility of senior resources and programs.

Initiatives Addressing System-Related Challenges

Initiatives to Help Determine Whether Financial Abuse Has Occurred

Investigations of elder financial abuse are often complex because they deal with complicated financial transactions and issues such as the need to determine competency and undue influence. Determining whether a particular financial transaction is legitimate or constitutes financial abuse can be very difficult. An approach to this problem is the work of fiduciary abuse specialist teams, such as the *Los Angeles Financial Abuse Specialist Team* (LA FAST) and the *South Central Pennsylvania Financial Exploitation Task Force*. By bringing together experts in the fields of medicine, mental health, finances, and the law, this type of multidisciplinary team (MDT) provides a wide range of expertise to investigatory agencies. This expertise can be used to help determine whether abuse has occurred from a medical, financial, and legal viewpoint and to advise protection authorities about appropriate responses. For example, while on a site visit in California, we observed an LA FAST case discussion in which a caretaker daughter was apparently abusing her elderly father and stealing his home. Advice was offered from a neuropsychologist who had examined the man and his daughter (who reportedly held his power of attorney but evidenced mental problems), from lawyers on the status of evidence being offered in the case, and from financial professionals regarding the man's financial situation. The FAST recommended that APS (1) appoint a conservator for the victim; (2) obtain a geriatric-psychological assessment of the victim; (3) obtain a psychological assessment of the daughter; and (4) obtain financial and legal paperwork, including bank statements from the victim, power of attorney documents from the daughter, and paperwork related to the sale of the victim's home. Only after these steps were taken could abuse be determined and prosecuted.

Initiatives to Address Perpetrators

When financial abuse is occurring, it is important not only to stop it, but to prevent its reoccurrence. One approach to achieving this objective is to change the perpetrator's behavior. For example, *Stop Elder Abuse and Mistreatment,* in Rochester, New York, conducts a 16-week course of group therapy with perpetrators to prevent subsequent financial abuse. Some of these groups focus on financial abuse perpetrators and their feelings of entitlement to victims' resources. The program also provides assistance for perpetrators with substance abuse problems and a case manager to follow them during and after treatment.

Initiatives to Increase Education and Training

Banking personnel generally have knowledge of elderly persons' financial affairs and the opportunity to observe potential financial abuse, but may not be trained to recognize or report it. This issue is being addressed in a number of places by bank reporting projects: cooperative efforts involving state legal or aging agencies, banking organizations, and disability and aging advocates. Together, these groups have developed educational programs for bank employees, explaining the nature of elder financial abuse, pertinent state laws and bank policies, and customer service strategies to prevent abuse. The programs also teach bank personnel about statutory requirements for reporting abuse and protections for those reporting it. For banks, these projects not only benefit and protect their older customers, but also provide a loss prevention strategy for the institution. Statewide projects of this type were identified in Massachusetts, Illinois, Virginia, New York, Michigan, and Oregon. Also, the *California Community Partnership for the Prevention of Financial Abuse* operated a program for financial institutions in northern California, and the *Seniors Crime College Program* offered this training to staff of financial institutions in Kentucky.

The *Elder Abuse Prevention Program* in Alameda and Contra Costa Counties, California, developed this mechanism and promotes it with older persons and banks through its educational activities. A financial advance directive is a written contract signed by the depositor and a bank representative, specifying when and to whom the institution may release information in the event of unusual account activity that may indicate financial abuse. Through this directive, the customer is able to maintain control of the release of financial information, and the institution is both obligated to report and protected from liability for disclosing information when making the report.

Initiatives to Prevent Misuse of Powers of Attorney and Guardianships

Although intended to protect older persons, powers of attorney and guardianships can be, and have been, misused. Because the law presumes that the designated agent has the older individual's express permission to execute whatever financial transaction the document authorizes, it can be very difficult to prove financial abuse. To address this issue, programs may educate elderly persons about potential problems with powers of attorney. The Elder Abuse Prevention program at Lifespan, a nonprofit aging services agency in Rochester, New York, offers counseling about powers of attorney. The Wisconsin Elder Financial Exploitation Project also provides advice and assists vulnerable elders in executing a power of attorney.

To reduce the potential for abuse of powers of attorney, some attorneys have begun advising their colleagues to draft powers of attorney that include the following protections:

- granting only the specific powers needed rather than broad powers;
- including a statement of the fiduciary duty of the agent, which must be signed before the power of attorney takes effect;
- carefully crafting gifting clauses to protect the client from financial abuse;
- including oversight clauses to assure that an independent third party will have access to an accounting of financial transactions;
- drafting provisions requiring the agent to keep specific records for specified time periods, including provisions indicating the proper titling of accounts between the agent and the principal; and
- educating the client and agent about the responsibilities and powers assigned to the agent.[532]

With regard to guardianships, limited screening of potential candidates and lack of guardian oversight can facilitate financial abuse. Several initiatives are addressing the issue of guardianship abuse through increased supervision. In Tampa, Florida, the Elder Justice Center in the Administrative Office of the Courts reviews all guardianship plans and monitors guardians. In Ada County, Idaho, the Guardianship Monitoring Program monitors the written reports of guardians and conducts annual home visits. Another program, the Public Fiduciary of Maricopa County, Arizona, concentrates on responding to reported abuse. In this program, a full-time investigator is responsible for investigating reported guardianship abuse, including forensic accounting of financial statements and assisting with criminal and civil prosecution.

In some cases, elderly persons may not have a relative, friend, or other acquaintance who can serve as a guardian. Some private, nonprofit agencies, such as case management agencies, have started guardianship programs to supplement the other home and community services they provide to elderly persons.[533] In some of these agencies, case managers who are social workers or registered nurses serve as guardians. However, many communities do not have access to these services or they have a demand for such services that far exceeds the supply.[534]

Initiatives to Address Barriers to Civil Remedies

Civil remedies to address financial abuse are available but rarely used. As already noted, protective orders are useful when financial abuse is occurring in the person's presence, for example, when material goods are being stolen from a person's home. However, they are of no use when financial abuse is occurring through misuse of a power of attorney or other acts that take place without the victim's knowledge.

Civil lawsuits to recover stolen or misappropriated assets may be an option. However, they are time consuming, expensive, difficult to win based on requirements for proof, and useless if the perpetrator is judgment proof. Another difficulty is that the initiation of a civil lawsuit may not prevent perpetrators from stealing assets and may even encourage them to steal additional funds and spend them so they cannot be recovered. To address this problem, some states allow banks to freeze the assets of victims when a civil lawsuit is filed. Rapid response to protect a victim's assets is part of the policing philosophy developed by Elder Financial Protective Services in California and of multidisciplinary teams such as the FASTs. For example, the Santa Clara, California, FAST is able to investigate a case and make arrangements to have assets frozen within a matter of hours.

Initiatives to Address Barriers to Criminal Remedies

Reasons offered for the low rate of prosecutions for financial crimes against older persons include the attitude of some law enforcement personnel and prosecutors that financial abuse cases are less important than other types of crime, are strictly a civil matter, and require too much time and too many resources.[535] A further shortcoming of criminal remedies is that restitution for the victims is often not ordered.[536] When it is, there is often no oversight of the restitution process to assure that victims receive the awarded funds.[537]

A number of initiatives are attempting to deal with these problems. Maine has a program aimed at providing additional elder abuse (including financial abuse) training to the law enforcement community. Designated Elder Crime Contact Officers in each state law enforcement agency receive enhanced training on elder abuse. These officers function as specialists in police organizations throughout the state for the investigation of crimes against older people. Michigan and Oklahoma offer to law enforcement personnel and prosecutors in-service educational opportunities that cover the unique issues involved in prosecuting elder financial abuse. The *Enhanced Investigative Capacity Project* in Berks County, Pennsylvania, has its own investigator trained in elder financial exploitation issues who conducts investigations and also guides, encourages, and consults with the local enforcement authorities handling financial abuse cases. Efforts to make the prosecution process more effective developed dedicated units to deal with financial abuse cases within District Attorneys' offices. Ventura County, California, and Denver, Colorado, both have specialized prosecution units with special expertise in financial abuse.

To assure court-ordered restitution under its Comprehensive Enforcement Program, the New Jersey Court System assigns a program hearing officer to any restitution case in which payments are not made on schedule. These officers have the power to take enforcement actions such as driver's license suspensions or wage garnishment to compel compliance with a payment schedule. If offenders remain noncompliant, they are referred to a judge for violation of probation. The program is self-supporting, financed by fines and fees assessed against offenders.

Initiatives to Better Coordinate Approaches to Address Financial Abuse

Many state statutes, regulations, policies, and practices address financial abuse of older persons.[538] Multiple entities in each state may have responsibility for some aspect of financial abuse of elderly persons, including adult protective services, law enforcement agencies, and social and aging services. Victims, service providers, and advocates may not know which agencies are supposed to handle specific types of financial crimes.[539] Financial abuse victims also have many needs, including protection from further abuse; social, health, and mental health services; long-term care; and housing.[540]

One approach to improving coordination among the multiple entities responsible for addressing financial abuse is the use of multidisciplinary teams (MDTs). MDTs vary in size and scope, but generally include APS and law enforcement representatives and may include representatives of the financial, medical, and legal communities. By bringing together representatives of agencies responsible for older adults, MDTs are able to comprehensively address difficult cases in which older victims have multiple needs and challenges.

One form of MDT mentioned earlier, the Fiduciary Abuse Specialist Team or FAST, improves the response to a victim's case not only through the application of specialized consultants, but also by facilitating coordination among multiple governmental entities. Most FASTs include APS personnel and representatives from all local law enforcement organizations, and may include staff from other government agencies. For example, the Santa Clara, California, FAST includes representatives of the local department of aging and adult services along with APS and law enforcement personnel. Their participation facilitates a coordinated enforcement response and links victims with community resources. Another form of MDT is the forensic investigation team. One example is the Texas Elder Abuse and Mistreatment Team, which includes geriatric physicians and nurse practitioners along with APS personnel. This team is called upon to evaluate victims, determine the type of abuse that has occurred, and provide medical and psychiatric assistance to victims.

An example of a broad community-wide MDT operation is the San Francisco Consortium for Elder Abuse Prevention, a network of over 40 public and private agencies providing services for victims of elder financial abuse. The Consortium includes APS, public health agencies, aging services, family services organizations, and law enforcement agencies. The work of its member agencies is coordinated through a monthly MDT meeting, and each participating agency is able to draw on the resources of all the others, giving victims access to a wide range of services.

The federal government recently adopted the multidisciplinary team concept in some U.S. Attorney's jurisdictions, which have established "Elder Fraud Task Forces" to address issues such as securities and investment fraud and other federal financial crimes.[541]

CONCLUDING REMARKS

From the research done for this study, HHS developed conclusions and a set of recommendations that address elder financial exploitation. Adequate research informed by sufficient data to guide specific policy recommendations is lacking. Therefore, the recommendations are designed to guide possible future research efforts to better inform policymakers as well as practitioners. Recommendations fall into five general categories:

- Incidence and Prevalence
- Public awareness and education
- Professional awareness, education, training, and coordination
- State legal protections
- Law enforcement and the judicial system

Incidence and Prevalence.

Congress requested that this study "define and describe the scope of financial exploitation of the elderly, and provide an estimate of the number and type of financial transactions considered to constitute financial exploitation faced by older persons." Available data on the incidence and prevalence of financial exploitation has been presented; however, the scarcity of research renders it impossible to provide an accurate estimate of the number and type of transactions considered to constitute financial exploitation. Consequently, we appreciate the value of the research recommendations of the NRC regarding the need for national prevalence and incidence studies on elder abuse, including financial exploitation, to determine the true extent of elder financial abuse.

To clarify risk factors and determine appropriate and effective ways to stop and remedy financial abuse, these studies should consider using uniform definitions of financial exploitation and, attempt to identify the characteristics of both victims and perpetrators.

Consideration might be given to both small-scale and long-term longitudinal studies to increase our understanding of financial exploitation and determine trends over time.

Public Awareness and Education

Financial exploitation is a surreptitious form of abuse that is underreported, difficult to detect, and, therefore, difficult to prosecute. This makes it important to address abuse before it happens. Prevention is an important step toward addressing financial exploitation of older persons. Awareness, recognition, and knowledge of community resources are critical components of preventing abuse in the first place. Programs such as money management and TRIAD consumer education activities are examples of empowering older people to be directly involved in prevention.

Consideration should be given to a financial exploitation awareness campaign that includes proven strategies to reduce the risks and minimize the consequences of financial abuse.

Professional Awareness, Education, Training, and Coordination.

Numerous professionals have contact with older persons and many are in a position to identify, report, and sometimes prevent financial abuse. These professionals include, but are not limited to, bank and financial services staff, social service workers, case managers, fiduciaries, and attorneys.

Many of these professionals lack awareness and knowledge of the forms that financial abuse of older persons can take or the ways they can help. Those who are aware and knowledgeable often do not know about other resources for addressing financial abuse. Opportunities for coordinating the efforts of the multiple professionals who can and do address financial abuse are not readily available.

Consideration should be given to education and training targeted to professionals who deal with older persons that would enable them to prevent, identify, and report financial abuse. Programs to be explored include those involving well-tested multidisciplinary team approaches about such matters as powers of attorney and guardianship and methods for reducing the risk of abuse from occurring.

State Legal Protections

Congress requested that this study examine the adequacy of current state legal protections to prevent financial exploitation and make recommendations for future actions to combat the financial exploitation of older persons. The legal protections currently available include: powers of attorney, guardianships, civil restraint orders, and methods to freeze assets. No research was identified that assessed the extent to which such protections are available or used, or their success. However, anecdotal evidence of abuse of powers of attorney and guardianships, including media reports, suggests that changes are needed to make them less amenable to abuse. Some states and entities have already instituted such changes.

Consideration should be given to collecting information on the mechanisms used by states to protect the legal interests of seniors and minimize or mitigate the effects of financial exploitation.

Law Enforcement and the Judicial System

The study suggested there are a number of specific barriers to investigating and prosecuting financial crimes. Defining financial abuse, in the first place, has been cited by prosecutors as "daunting." Accurately determining whether abuse has occurred "often requires complex and subjective determinations to distinguish acceptable transactions and exploitative conduct and to separate misconduct from mismanagement." Often the cognitive status of the victim can render it difficult to prove undue influence, unfair persuasion, or coercion. Very frail victims become more inclined to refuse to participate or become incapacitated, or die during the course of what can often become protracted proceedings. Adding to the difficulty can be the need to review and evaluate voluminous and complex records to even prove wrongdoing, often without a witness able or willing to testify. Another significant barrier continues to be the viewpoint that financial exploitation is a civil, rather than a criminal, concern or that the cost-benefit of pursuing prosecution is minimal.

Consideration should be given to evaluating existing law enforcement models designed to facilitate reporting and prosecution, and disseminating information about those that prove to be the most efficacious.

In Summary

President Obama has noted the importance of giving people choices about their long-term care, improving the quality of elder care, and protecting seniors. At the AoA, this means that seniors living in the community receive the supports they need to remain as independent as possible, for as long as possible. Through programs funded by the Older Americans Act, AoA provides many older people with home and community-based services, transportation, nutrition services, legal services, and help for their caregivers. The Ombudsman program, which monitors care and advocates on behalf of vulnerable older people in long-term care facilities, is one of AoA's hallmark programs. However, research indicates that the specter of financial exploitation takes its toll on too many vulnerable older adults and ultimately reduces the efficacy of other efforts to enhance the quality of life for seniors.

Most victims of abuse, neglect and exploitation are 80 years-of-age or older, and many also have cognitive impairments. The 85+ population is projected to increase from four-and-a-half million today to nine-and-a-half million in 2030, and those with Alzheimer's disease could grow from four million today to 16 million by 2050. These statistics demonstrate that the number of financial abuse cases could increase dramatically.

Due to the complexity of elder financial abuse, no single effort is likely to provide a solution. The law enforcement and judicial systems, banks and the financial community, aging and social service systems, and most importantly older persons and their families, all need to be aware and involved. To that end, a concerted, evidence-based strategy is needed involving multiple entities at many levels. DHHS has made the above recommendations that can provide direction in devising such a strategy.

APPENDIX A

EXAMPLES OF FEDERAL, STATE, AND LOCAL INITIATIVES TO ADDRESS FINANCIAL EXPLOITATION OF OLDER PERSONS

CONTENTS

INTRODUCTION

The following list provides summary descriptions of a wide range of initiatives throughout the United States that are addressing the issue of financial abuse of older adults in domestic settings, as perpetrated by individuals known to the older person. Elder financial abuse, also referred to as elder financial exploitation, is an area of increasing concern to professionals who provide services to the older population, the legal and law enforcement communities, policy-makers, and researchers.

At present, no uniform systems exist for the measurement of the extent of this or any other form of elder exploitation, nor has there yet been a complete systematic survey of resources which have been developed to address this kind of abuse. It is beyond the scope of this project to produce such a complete inventory, but we have used Internet resources and consultations with experts to identify as many as possible of the efforts currently underway, including many innovative activities. This is, therefore, not a comprehensive list of relevant programs; it is a list of every program we discovered that is addressing this particular type of elder abuse through specific initiatives.

The initiatives in this list comprise a wide range of activities with a variety of private and public sources of support. The initiatives include informational and prevention activities directed at vulnerable elders and law enforcement, legal assistance, and social services assistance for those who have suffered abuse. Sponsors of these activities include federal, state, and local government, professional organizations, public/private consortiums, private businesses, faith-based groups, and medical facilities.

We describe these initiatives in four sections: Federal, Institutional, Multistate, and State and Local. These sections are geographic in nature, but the purposes of the initiatives and our criteria for selecting them also vary. In the Federal section, relevant efforts consist primarily of informational and funding activities, from which many of the programs at the state and local level benefit in the form of grants or demonstration projects. The Institutional section includes initiatives directed by private organizations which have relevant nationwide policy or educational goals and activities. The Multistate section includes intergovernmental programs which function in multiple states, including the Victims of Crime Act and Adult Protective Services, two programs basic to public concern for vulnerable and victimized adults.

The initiatives listed in the State and Local section are all engaged in delivering preventive, informational, and/or victim support services to the public. Those that were selected for this list are those which: (1) specifically address the issues related to this particular type of elder financial abuse, (2) have a organizational identity which clearly targets and seeks out this population, and (3) offer a specific informational or relief service tailored to its unique needs. Some of these initiatives are part of efforts addressing other forms of elder abuse, and some were established specifically to deal with forms of financial abuse. Some of the initiatives are faith-based or based in medical care programs, and these are identified in the list by footnotes. Quite often, these programs were created as the result of collaborations involving local elder assistance programs as well as state agencies, especially those for older persons. Since this study is narrowly focused on the financial abuse of older adults in domestic settings as perpetrated by individuals known to the older person, we have not listed these sponsoring groups and agencies with broader mandates.

Among the State and Local initiatives are programs serving minority cultural communities as well as those serving the public at large. We actively sought programs directed at special populations, and we discovered examples of initiatives designed specifically for the African-American, Latino, and Jewish communities. These examples are identified among the State and Local initiatives by footnotes. We believe that there are other such efforts which we did not find due to their lack of an Internet presence. We also actively sought examples of initiatives within the American Indian community. Although we did uncover evidence of a concern for the issue among many of the Tribes, we found that this concern was at present restricted to the level of policy discussions and that current elder abuse initiatives in this community are directed primarily toward physical abuse issues.

For each initiative, we list its sponsor(s) and funding source(s) when known, background and purpose, and provide a brief description of its activities. We also include references for each initiative, which are fully identified in the bibliography of published sources at the end of the list. Included in the references are the addresses of initiative web sites, where those exist.

Federal Initiatives

National Center on Elder Abuse[542]

Sponsor
Administration on Aging (AoA).

Background & Purpose
The National Center on Elder Abuse (NCEA), established in 1998 under an AoA grant, is a consortium of the National Association of State Units on Aging, the lead agency; the Commission on Law and Aging of the American Bar Association; the Clearinghouse on Abuse and Neglect of the Elderly of the University of Delaware; the San Francisco Consortium for Elder Abuse Prevention of the Institute on Aging; the National Association of Adult Protective Services Administrators; and the National Committee for the Prevention of Elder Abuse. NCEA provides elder abuse information; offers technical assistance and training to elder abuse agencies and relevant professionals; conducts short-term elder abuse research; and assists with elder abuse program and policy development.

Description
The NCEA responds to requests for technical assistance, fosters information exchange through the Elder Abuse Listserve, publishes technical assistance manuals and specialized bibliographies, and has developed special projects, including (1) a "Sentinel" project to reach out and assist the hidden victims of abuse, (2) a baseline survey and national report on adult protective services, (3) an initiative to address the needs of American Indian elderly persons, and (4) a risk profile tool and process to prevent abuse in nursing homes. In addition, NCEA conducts analyses of state legislation and has sponsored a national conference on elder abuse.

A major function of NCEA is to provide a wide array of information regarding elder abuse through its web site. The web site contains information and research developed or compiled by NCEA, as well as links to other sources of information on the issue, such as the Clearinghouse on the Abuse and Neglect of the Elderly, an online research tool cosponsored by the National Institute on Aging and based at the University of Delaware.

National Elder Abuse Incidence Study[543]

Sponsor
Administration on Aging (AoA).

Background & Purpose
AoA conducted the first-ever national study of elder abuse incidence, measuring occurrences in the year 1996, with results published in 1998.

Description

The study identified financial or material exploitation as a form of elder abuse, defined as the illegal or improper use of an elder's funds, property, or assets and found that this form of abuse was widespread and comprised a substantial proportion of all elder abuse.

Programs for the Prevention of Elder Abuse, Neglect, and Exploitation[544]

Sponsor
Administration on Aging (AoA).

Background & Purpose
Since 1992, AoA has awarded formula grants to State Agencies on Aging. Grants are awarded to develop and strengthen comprehensive and coordinated programs for the prevention and treatment of elder abuse, neglect, and financial exploitation.

Description
The program's objectives include the following: (1) provide public education and outreach; (2) ensure coordination of services between Area Agencies on aging and services instituted under the State Adult Protective Service program; (3) promote the development of information and data systems; (4) conduct analyses of state information to identify unmet intervention needs; (5) conduct training for individuals in relevant fields about elder abuse, neglect, and exploitation; (6) provide technical assistance; and (7) conduct training for individuals involved in serving elder abuse victims on such things as individual rights and confidentiality.

Victims of Crime Act Initiatives[545]

Sponsor
Department of Justice.

Background & Purpose
The Victims of Crime Act was enacted in 1984 to provide grants to the states for victim assistance services and victim compensation. Revised guidelines published in 1997 encourage states to fund new services or expand existing services for victims of fraud and economic exploitation.

Description
States can assist in activities addressing the immediate health and safety needs of victims of financial exploitation but may not use grant funds to compensate individuals for financial or property losses. Funds can also be used to provide mental health/support counseling, respite care, credit counseling, public information outreach, advocacy activities, and training for social service workers in recognizing and assisting victims of this abuse. Because states administer these grants and have discretion in their use, some but not all states provide service to elderly victims of financial exploitation.

INSTITUTIONAL INITIATIVES

American Bar Association Commission on Law and Aging[546]

Sponsor
American Bar Association (ABA).

Known Federal Funding
Department of Justice, Administration on Aging.

Background & Purpose
The Commission on Law and Aging, formerly the Commission on Legal Problems of the Elderly, was established by the ABA in 1978 to improve legal services for the elderly population. Elder abuse, including financial abuse, is among the issues the commission has addressed.

Description
The Commission maintains a Law and Aging Resource Guide with contact information for government agencies working on financial exploitation and other forms of elder abuse. The Commission also prepares reports for the ABA's consideration. A 2002 report included recommendations to support efforts to improve government's response to elder exploitation, including the enactment of new federal laws. The Commission is currently developing a model educational curriculum to train lawyers about the legal issues relating to elder exploitation. The Commission also administers the Partnerships in Law and Aging Program for the development of local community-based collaborative projects to improve vulnerable older persons' access to the legal system. The ABA is a partner in the National Center on Elder Abuse.

Elder Abuse and Neglect Guidelines[547]

Sponsor
American Medical Association (AMA).

Background & Purpose
The American Medical Association, in its bylaws and through diagnostic guidelines, encourages physicians to be aware of, and respond to, familial and intimate partner abuse, including elder abuse.

Description
AMA bylaw H-515.965 calls for physicians to make the diagnosis and treatment of family and intimate partner abuse a routine part of the examination process, providing appropriate referrals to assist victims as well as perpetrators. The AMA Diagnostic and Treatment Guidelines on

Elder Abuse and Neglect provide specific guidance to treating that population and make specific reference to screening for financial abuse.

Elderly Financial Management Project at the Jacob Reingold Institute Brookdale Center on Aging of Hunter College [548]

Sponsors
An endowment from a private donor and recent funding from the Manhattan Borough President's Office.

Background & Purpose
This project promotes the development and expansion of daily money management services to prevent or stop financial elder abuse.

Description
The Jacob Reingold Institute has developed a program to train financial professionals interested in initiating money management programs for seniors. The Institute conducts seminars and conferences and also provides technical assistance on money management for the staff of care management agencies, senior centers, housing complexes, and home care agencies. The Institute has also developed a manual, entitled Daily Money Management: A "How To" Manual for Care Management Agencies, to assist those in the field.

National Association of Adult Protective Services Administrators (NAAPSA)[549]

Sponsors
NAAPSA is a national nonprofit membership organization financed by membership dues, conference registration fees, and federal grants.

Background & Purpose
NAAPSA was founded in 1989 as a national organization representing the interests of APS programs and the vulnerable adults they serve.

Description
The mission of NAAPSA is to improve the quality and availability of services for disabled adults and elderly persons who are abused, neglected, or exploited and are unable to protect their own interests. NAAPSA assists state and local APS programs by providing technical assistance, training, and advocacy.

Sentinel Project [550]

Sponsor
National Center on Elder Abuse.

Background & Purpose
The Sentinel Project was developed in 1999 to identify and assist isolated elders who may be at risk of abuse and neglect. The program targeted the whole range of elder abuse, specifically including financial abuse by family and friends.

Description
The NCEA established partnerships with the Humane Society of the United States, the Meals on Wheels Association of America and the National Association of Retired Senior Volunteer Program (RSVP) Directors, who in turn established programs to train their workers and affiliates to look for signs of elder abuse, including financial abuse. The partnership with the Humane Society involved its First Strike program, which addresses the relationship between animal cruelty and elder abuse. RSVP continues to be active in publicizing and reporting elder abuse. Meals on Wheels participated by encouraging its local chapters to train volunteers, although this effort has ended.

The program also funded local initiatives which continue to be active.

MULTI-STATE INITIATIVES

AARP Money Management Program[551]

Sponsors
AARP and local agencies in 20 states and the District of Columbia.

Background & Purpose
AARP initiated the Money Management Program in 1981 to provide daily money management services to people who are older and/or disabled and are living on limited incomes. The program targets both those who cannot effectively manage money and those who are at risk for or victims of financial abuse. In 2001, the program reached over 4,500 clients through 134 project sites.

Description
The program supports local agencies in providing two services: the Bill Payer Program and the Representative Payee Program. Under the Bill Payer Program, volunteers come to a client's home to assist with establishing a budget; opening, organizing, and sending out mail; check writing; and balancing a checkbook. The Representative Payee program provides complete financial management of a government benefit, such as social security benefits, for the client. The program is designed for those unable to participate directly in their money management, including those subject to financial abuse, and the activities of the representative payee are monitored to ensure the safety of the client's assets. In both programs, the volunteers generally provide other related kinds of support, such as companionship, shopping and transportation services, significantly decreasing client isolation, a risk factor for financial abuse.

Adult Protective Services (APS)[552]

Sponsors
Adult Protective Services (APS) programs, which function in every state, generally are financed by the Social Services Block Grant Program administered through the Department of Health and Human Services and/or by state revenues.

Background & Purpose
APS in the United States traces its beginnings at least as far as the work of a 1958 National Council on Aging committee that initiated a period of research and demonstration projects. With the 1975 enactment of Title XX of the Social Security Act, states were required to provide protective services to children, elderly people, and adults with disabilities who were reported to be abused, neglected, or exploited, in order to receive the appropriated funds.

Description
APS is designed to prevent or remedy abuse, neglect, or exploitation of adults in the community who are unable to protect their own interests. In addition to the states, the District of Columbia, Guam, and the Virgin Islands have some form of the program. Typically, these services are a part of state agencies on aging, have local offices with investigative personnel located throughout a state, maintain hot lines for abuse reports, and cooperate with other local agencies and groups in many ways in providing a broad range of services, including assistance to victims of financial exploitation.

TRIAD—Hampshire County, Massachusetts (typical example)[553]

Sponsors
Nationally, TRIAD, operating as the National Association of TRIADs, Inc. (NATI) since 1999, is a cooperative effort of the National Sheriff's Association, the International Association of Chiefs of Police, and AARP. As a local example of this program, we selected the Hampshire County TRIAD, where the county Sheriff is the chairman of the board of NATI and directs the program in cooperation with the local District Attorney.

Known Federal Funding
Department of Justice.

Background & Purpose
After a few years of informal cooperative activities, TRIAD was officially launched by its sponsoring organizations in 1988. As a national policing initiative, its purpose is to bring law enforcement personnel together with older volunteers to reduce crimes against older persons. The first local TRIAD was begun in 1989, although the idea was discussed and implemented informally in localities beginning in the mid-1980s. Since 1999, the national TRIAD effort has been under the direction of NATI, which sponsors conferences and training classes, and develops educational materials.

The Hampshire County TRIAD began as one of the early informal efforts after the local Sheriff, who is still in office, learned about the idea at a 1986 FBI Academy training session.

Description
Each local TRIAD is guided by a volunteer council called S.A.L.T. (Seniors and Law Enforcement Together), which brings together seniors and law enforcement representatives. This Council decides what services or programs the TRIAD will offer, recruits volunteers, and oversees the results.

The Hampshire County S.A.L.T. Council has co-chairs and a treasurer and secretary, who are senior citizens, and meets monthly at various locations around the county. Along with senior citizens, the Council includes a coordinator from the Sheriff's office and representatives from the District Attorney's office and the fire department. The board addresses elder safety issues, including financial abuse, by encouraging interagency cooperation and conducting public awareness and information efforts.

STATE AND LOCAL INITIATIVES (BY STATE)

Arizona—Maricopa County Financial Exploitation Investigator[554]

Sponsor
Maricopa County Office of the Public Fiduciary.

Background & Purpose
The Financial Exploitation Investigator was added to the Public Fiduciary staff in 2002 to handle and coordinate cases of suspected elder exploitation. The Public Fiduciary is responsible for guardianship and conservatorship of estates and for investigations as ordered by the court. Most clients have limited assets. The Investigator is assigned to situations where friends or family are suspected of exploiting vulnerable persons.

Description
Cases are assigned to the investigator during departmental meetings in which the staff discuss the active cases. The investigator interviews related individuals, such as the client, family, and bank staff, performs forensic accounting of financial statements, transaction analysis of the client's accounts, seeks out other related online documentation, and contracts as needed with private investigators. The office seeks to protect and preserve the client's assets, recover assets through legal procedures, file criminal complaints where appropriate, and testify in criminal and civil proceedings.

Arizona—Mesa SAFE (Safety, Abuse and Fraud Educated) Senior Program[555]

Sponsors
Elder Affairs Program, Office of the Attorney General, State of Arizona, in cooperation with the Mesa, AZ Police Department, APS and AAA.

Known Federal Funding
Administration on Aging.

Background & Purpose
The Mesa SAFE program was launched in 2002 to recruit and educate volunteers to identify and report adult abuse, including financial abuse.

Description
The program has prepared a guide to identifying and reporting adult abuse, including financial abuse. These reports are made under Arizona Statute 46-456, which makes elder abuse, including financial abuse, a felony, giving the police authority to intervene. The Office of the Attorney General supports the program with educational and investigative activities and

administers an Elder Abuse Registry, which is a public record with data on complaints filed in court pursuant to APS and criminal statutes.

California—California Community Partnership for the Prevention of Financial Abuse (CCPPFA)[556]

Sponsors
A coalition of financial institutions and law enforcement and social service agencies; organized as a nonprofit corporation.

Background & Purpose
CCPPFA was organized in 1999, growing out of the Marin Bank Reporting Project which began in 1997 with the Bank of Marin in Novato. Its purpose is to bring together the banking community, law enforcement and regulatory agencies, foundations, and elder abuse agencies and councils to focus on the issue of elder financial abuse.

Description
CCPPFA functions primarily in northern California, although some of its member organizations function statewide. The organization operates local chapters, organizes regional community awareness seminars, conferences, and public awareness campaigns, and also conducts training of bank personnel. It maintains a web site and produces pamphlets, posters, and training materials about elder financial abuse, including a locally-produced training video for distribution throughout the state. Banks receive an incentive to participate in the program in the form of Community Reinvestment Act credits.

California—Central California Legal Services[557]

Sponsors
Central California Legal Services is a grant-supported nonprofit law firm. It has received support from the Legal Services Corporation and the U.S. Department of Justice.

Known Federal Funding
Department of Justice.

Background & Purpose
Central California Legal Services was founded to serve the low-income underrepresented population in Fresno, Kings, Mariposa, Merced, Tulare, and Tuolumne Counties. Elder financial abuse among this population is one of the areas of specialty for the practice.

Description
The firm actively promotes the identification of elder financial abuse, including that committed by family and friends, and supports its clientele in taking legal action against it. They maintain an informative web site and cater to the elderly by providing services via e-mail and telephone as well as by seeing residents at several locations. They also sponsor an annual Elder Abuse

Prevention conference and training meeting, targeted at those working in the field. The meeting features speakers from the legal, social work, and law enforcement communities, and includes training in such issues as financial abuse and undue influence by family and friends and legal remedies for the problem.

California—Elder Abuse Forensic Center[558]

Sponsors
University of California Irvine College of Medicine School of Geriatrics, the Chapman University School of Law Elder Law Clinic, and the following agencies for Santa Ana (Orange County) California: APS, Office of the District Attorney, Sheriff's Department, Public Administrator/Public Guardian, Community Service Programs Witness/Victim Assistance Program, Long-Term Care Ombudsman, Older Adult Services, and Human Options (a social services agency for victims of domestic violence).

Background & Purpose
The Center was opened in May 2003 to establish a forum for collaboration between the participants in the investigation and prosecution of elder abuse. The Center will prevent and combat the abuse of elders and the disabled, educate professionals who deal with elder abuse, conduct research to advance awareness of elder abuse, and formulate effective standards for intervention and prevention of abuse. The Center was established under a grant from the Archstone Foundation. The Center identifies financial abuse by friends and family as one of its key areas of concern.

Description
The Center offers a number of services. First, a multiagency team care team review process including physicians, psychologists, law enforcement officers, deputy sheriffs, and social services providers is available to assist at-risk and abused elders at home through status evaluations (including financial) and, as needed, evidentiary investigations and taped victim interviews. This team's findings are reviewed by a core multiagency team including APS, the Sheriff's Department, police officers from the case's jurisdiction, the office of the District Attorney, Victim's Services, and the Ombudsman and referred for appropriate action and services. Formal case reviews occur weekly, with informal coordination activities daily. Second, the Center conducts training for students of the School of Geriatrics and the School of Law, who also observe and participate in investigations. The Center also provides training to professionals from across the country. Finally, the Center offers a consultation service for forensic professionals from across the country.

California—Elder Abuse Prevention[559]

Sponsors
a consortium of several hundred public and private agencies and individuals serving Alameda and Contra Costa Counties in the San Francisco Bay area of California.

Background & Purpose
Elder Abuse Prevention was organized in 1994 as a nonprofit agency to focus on the prevention of elder abuse, including financial abuse.

Description
Elder Abuse Prevention operates an array of services targeted at addressing elder financial abuse, including an innovative Advance Directive. After 5 years of development in discussions with the banking community and the local Bar Association, this Advance Directive for the release of information for fraud prevention was implemented in 1997. Supported by training activities for the banking community and outreach to elders, the Advance Directive is a legal contract which allows an older person to grant a financial institution the authority to notify and release account information to specified individuals or agencies if unusual account activity leads the institution to suspect financial abuse. The institution is relieved of all liability for acting under the agreement, and there is also a standard agreement for revoking the Directive at the discretion of the older person. Associated training for banks and credit unions includes guidance on recognizing and handling potential financial abuse situations.

In addition to this program, the organization operates a public education program called Senior Fraud Fighter Bureau which educates seniors about strategies to prevent fraud. Their Money Management Program offers a reliable payee service for low-income seniors. For those who have suffered abuse, the program operates a system of multidisciplinary teams which support law enforcement and social service agencies in responding to abuse cases. The program also offers training to a variety of professionals on the subject of elder abuse, including financial abuse.

California—Elder Abuse Protection Team[560]

Sponsor
San Diego County District Attorney.

Known Federal Funding
Department of Justice Office of Criminal Justice Planning.

Background & Purpose
The Elder Abuse Unit was started in 1996 to focus on crimes against older persons. In 2003, the office had five prosecutors and six support staff.

Description
The unit responds to referrals from local police and reports received through a toll-free telephone number for all types of elder abuse, including financial abuse. While conducting prosecutions, the unit provides elderly victims with a comfortable waiting room when they come to give testimony in abuse cases and provides victims with the option of making an impact statement, expressing the impact of the abuse and their wishes for the perpetrator. The office maintains a "most wanted" list of accused abusive caregivers and other abusers and handled over 200 elder abuse felonies in 2002, including financial as well as physical abuse.

California—Elder and Dependant Adult Abuse Prevention Program[561]

Sponsor
Office of the Attorney General, State of California.

Background & Purpose
The program was authorized in 1999 as part of the SafeState Family Violence Prevention Program to address all kinds of elder abuse, including financial abuse.

Description
The program develops and disseminates public education resource materials, including A Citizen's Guide to Preventing and Reporting Elder Abuse, and conducts media and citizen awareness campaigns, all of which identify and describe financial abuse. The educational campaign, "Face It. It's a Crime," includes financial abuse by friends and family with custody of dependant elders among its highlighted areas and will involve community outreach activities as well as media promotion for both ethnic communities and the general population. The program also produces materials and conducts training on the investigation and prosecution of elder abuse cases for criminal justice system professionals.

California—Law Enforcement Recovery of Exploited Assets[562]

Sponsor
Elder Financial Protective Services.

Background & Purpose
This program was developed in the Los Angeles Police Department Financial Crimes Division in 1987 to create a means of freezing a victim's assets from further dissipation during an investigation of financial abuse. This employed relationships formed by the Financial Crimes Division with APS and the Los Angeles County Fiduciary Abuse Specialist Team (FAST), with the support of local banks and other financial institutions. The detective who developed and led the program, Chayo Reyes, continues to be active through Elder Financial Protective Services, which he established after his retirement in 1999.

Description
As developed prior to 1999, the program brought the member agencies and institutions together to cooperate in implementing existing law allowing financial institutions, at the request and under the authorization of law enforcement authorities, to quickly freeze an elder victim's assets for a period usually not exceeding 5 days, while an investigation of possible abuse is conducted and other available legal actions are taken to protect the assets. The program also included a system of field cognitive testing and video documentation to expedite determination of competence and undue influence. The program staff developed state legislation to support expansion of the program statewide through training activities with police departments, which was authorized in September 2000.

Since Detective Reyes retired in 1999, LAPD no longer implements the program officially, but Elder Financial Protective Services continues to train law enforcement agencies in California and elsewhere to implement the program, and also consults on active cases.

California—Los Angeles Fiduciary Abuse Specialist Team (LA FAST)[563]

Sponsors
Los Angeles County and City Area Agencies on Aging and WISE Senior Services.

Known Federal Funding
Administration on Aging.

Background & Purpose
The LA FAST, funded through the Los Angeles County and City Area Agencies on Aging, began as an unofficial cooperative in 1987 and was formally established in 1993. A private-public partnership, it provides expert consultation to local APS staff, Ombudsman, Public Guardians, and other caseworkers in elder financial abuse cases. It is operated by WISE Senior Services, a nonprofit agency which provides a range of services to elders. As the first FAST program, the Los Angeles FAST now serves as a model for other FAST programs throughout California and across the country. The FAST has two goals: (1) to help APS, Public Guardian, and other agencies serve victims in recovering or preventing further loss of assets, and in improving the quality of their lives; and (2) to provide education and training to service providers, members of the financial community, and the public regarding financial abuse and how to combat it.

Description
The Los Angeles FAST membership meets nine times a year, bringing together consultants and financial abuse specialists under the leadership of a WISE Senior Services representative to hear and discuss cases presented by the financial abuse specialists. Participating consultants include members from both the public and private sectors, including law enforcement officers, representatives of the District and City Attorney's Offices, lawyers, bankers, securities brokers, real estate brokers, financial planners, insurance experts, private conservatorship agencies, and health and mental health providers. The financial abuse specialists are designated representatives from units of the Adult Protection Service and from the WISE Long-Term Care Ombudsman, the Office of the Public Guardian, and city and county-funded care management programs. Consultants make a long-term commitment to the FAST through a formal memorandum of understanding and receive training and orientation to the FAST. Their role is to advise and assist the financial abuse specialists with specific cases both during and between meetings and to make educational presentations to the FAST. The FAST coordinator and consultants also provide training to bankers and police officers across the State of California. The FAST leadership has developed a manual and assists other communities in starting FAST teams.

California—Office of the Ventura County District Attorney, Ventura California[564]

Sponsor
Office of the Ventura County District Attorney.

Background & Purpose
A special unit, organized in 1995, offers specially trained victim advocates, prosecutors, and investigators to handle elder victim's cases and special needs.

Description
With two prosecutors, an investigator, and other support personnel, the prosecution unit is specially trained to assist elder abuse victims, including victims of financial exploitation, and conducts a unified investigation and prosecution. The unit also administers a prevention program for elders using local presentations and printed materials in English and Spanish. The District Attorney's Office has worked with APS to encourage cross-reporting of incidents of abuse to law enforcement and has educated APS staff on what to disclose without violating client confidentiality. In addition, the Office trains law enforcement and APS on elder abuse prosecution.

California—Probate Court Investigation Units[565]

Sponsor
California Probate Courts.

Background & Purpose
The probate court investigation units were created in California to serve as the "eyes and ears" of Probate Courts. Each court investigator is responsible to a specific judge and must make reports on proposed conservatees and existing conservatees. Each county within the State of California has at least one court investigator.

Description
The court investigator interviews proposed conservatees prior to the appointment of a conservator, then 1 year after, and every 2 years after. The investigator responds to complaints from conservatees investigating potential elder mistreatment, making recommendations to the judge where appropriate, and informing conservators and conservatees of their legal rights.

California—Riverside County Curtaining Abuse Related to the Elderly (CARE) Team[566]

Sponsors
Riverside County, California, Board of Supervisors, Riverside County District Attorney, Riverside County Public Guardian, Riverside County Sheriff, Riverside County Office on Aging, Riverside County's Credit Union.

Background & Purpose
The Riverside County CARE Team was established in 1997 to address elder abuse through education, training, and a multidisciplinary approach to elder abuse cases. The Team provides a forum to improve coordination and cooperation between human service providers and public safety organizations in combating elder abuse, including financial abuse.

Description
Representatives of the sponsoring organizations meet regularly with representatives of local financial institutions to consult on specific cases and develop comprehensive services for victims of elder abuse. CARE has recovered over $2.6 million for elder-abuse victims and educated more than 4,000 seniors regarding elder abuse, including financial abuse.

California—San Francisco Consortium for Elder Abuse Prevention[567]

Sponsor
The Consortium is supported by its member agencies, which range from large public departments to small, private, not-for-profit agencies. The Institute on Aging (IOA), also located in San Francisco, serves as the coordinating agency.

Background & Purpose
The Consortium was created in 1981 to address the needs of abused and vulnerable seniors in San Francisco. The Consortium is a network of over 40 public and private agencies in the Bay Area, including APS, public health, aging, law enforcement agencies, and family and aging service organizations.

Description
The consortium addresses a wide range of elder abuse issues and lists financial abuse among its major concerns. Under the leadership of IOA staff, the Consortium seeks to coordinate the work of the member organizations, serve as a clearinghouse for information regarding developments and resources in the field of elder abuse, provide training to professionals and the public, and perform advocacy for policy change. The staff organizes trainings and outreach events, including conferences on financial crime and abuse, produces materials, and consults on cases. A multidisciplinary team, convened by IOA staff, meets monthly to review and offer advice on complex abuse cases.

California—Santa Clara County Financial Abuse Specialist Team (SC FAST)[568]

Sponsors
Adult Protective Services, Office of the Public Guardian, Office of the District Attorney, Office of the County Council, Santa Clara County law enforcement agencies.

Known Federal Funding
Department of Justice, Office for Victims of Crime.

Background & Purpose
The SC FAST is a multidisciplinary team founded in 1999 by the County Department of Aging and Adult Services, which directs the APS, In Home Supportive Services, Public Administrator Guardian Conservator, Senior Nutrition Program and Long-Term Care programs for the county. The SC FAST was developed in response to a California statute mandating that APS investigate elder abuse charges in person within 10 days and coordinate community resources for victims and includes representatives of the County Counsel and District Attorney along with members from the Department of Aging and Adult Services agencies. The team focuses particularly on the identification, investigation, and prevention of financial abuse of elders and dependant adults, and has four key elements: multiagency team, rapid response, intervention, and improving clients' well-being.

Description
Referrals to the SC FAST team come from APS, which in turn receives them from family members and mandated reporters in the law, medical, and financial communities. These are directed to a risk assessor and can be investigated rapidly, often within a matter of hours. Investigations are conducted by a rapid response team consisting of at least two FAST members, and teams are available 24 hours a day. When necessary, FAST has procedures to freeze assets promptly to prevent further financial abuse. The FAST team also meets on a regular basis to discuss cases and suggest legal remedies, including both civil and criminal actions. The team recovered or prevented the loss of more than $91 million dollars in assets through 2002. Under a Department of Justice grant through the Office for Victims or Crime, a video was produced using the team as an example for other agencies across the country.

California—Southern California Presbyterian Homes Financial Services Program[569]

Sponsors
The Financial Services Program is a collaboration of three organizations: Southern California Presbyterian Homes, St. Barnabas senior center, and the University of Southern California.

Background & Purpose
The program was created when Southern California Presbyterian Homes, a supportive and low-income housing provider, realized that many of its clients needed daily money management services, and approached Saint Barnabas to provide this support. The University of Southern California provides evaluation services for the program.

Description
Saint Barnabas provides financial education, checkbook management, budgeting, debt counseling, advocacy, and surrogate decision-making services to the clients. Depending on client needs, the agency may also serve as an attorney-in-fact, representative payee, or, as a last resort, conservator. The University of Southern California evaluation includes documenting the effect of the program. Outcomes being evaluated include risk factors for financial abuse such as client depression, activity limitations and executive function, as well as the incidence of fraud and financial exploitation.

California—The Volunteer Legal Services Program (VLSP) of the Bar Association of San Francisco[570]

Sponsor
Bar Association of San Francisco.

Background & Purpose
This program was developed in 1992 to address home equity fraud against older persons, including that committed under the undue influence of caretakers or relatives.

Description
VLSP created a training program to instruct attorneys on how to review loan documents for Truth-in-Lending violations. Attorneys who attended the training were asked to volunteer to consult with three consumers and to be "on call" for consumer assistance for one week annually. Training tapes were produced and have been disseminated nationally. VLSP has also provided community outreach services aimed at linking lawyers to community agencies and their clients. VLSP personnel have helped to raise awareness of potential victims by participating in panel discussions and community events for seniors and service providers. They also maintain a hotline that provides information to support the volunteer lawyers who consult with consumers.

California—The Vulnerable Adult Specialist Team (VAST) of the Program in Geriatrics, University of California at Irvine College of Medicine[2][571]

Sponsors
University of California at Irvine College of Medicine and the Archstone Foundation.

Background & Purpose
The Program in Geriatrics is an interdisciplinary, interdepartmental program begun in 1985. Initially established under a grant from the Archstone Foundation, the Vulnerable Adult Specialist Team was established to provide medical response and intervention for abused elder and dependant adults. Investigation for financial abuse is a part of the team's interventions.

Description
The VAST consists of two geriatricians, a psychologist, a researcher, and a gerontologist. It receives referrals from APS, law enforcement, and the local District Attorney, and representatives of these offices meet twice a month with the team and legal faculty from the university to present and discuss cases and present referrals. After a case is referred to the team, a geriatrician or psychologist visits the victim for a medical and/or mental status assessment in the victim's home. Along with the home assessment, the team reviews medical records and makes recommendations for further action in the case. The team has found that 40 percent of abuse reports involve financial exploitation. The VAST program is also involved in resident training, with family medicine residents attending the group meetings and spending time in the field with APS personnel investigating abuse reports. The team members are also working to document their work as a replicable program.

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[2] medical care-based initiative

Colorado—AARP ElderWatch[572]

Sponsors
The Colorado Attorney General and AARP.

Background & Purpose
The ElderWatch Project in Colorado grew out of a 1999 study published by the Colorado Attorney General. The study recommended that a statewide nonprofit clearinghouse be established to coordinate private and public efforts against fraud directed at seniors. Organized in 2001 under the direction of AARP, the office provides information to and coordinates efforts with the state's law enforcement agencies, adult protection and mental health providers, and other organizations assisting older Americans. The Better Business Bureaus of Colorado and the County Sheriffs of Colorado are partner organizations in the project.

Description
Services provided by ElderWatch include: (1) a toll free senior assistance hotline; (2) dissemination of consumer alerts to law enforcement agencies, prosecutor offices, adult protection agencies, nursing homes, independent living and assisted living facilities, senior centers, and other private and nonprofit organizations; and (3) public service announcements and commercials for use in both print and electronic media. ElderWatch also maintains a database of fraud and financial exploitation reports received both from hotline contacts and from an interactive reporting form on the ElderWatch web site.

Colorado—Clergy Against Senior Exploitation (CASE) Partnership[573]

Sponsors
The CASE Partnership is a program of the Denver, Colorado, District Attorney and members of the Denver faith community.

Known Federal Funding
Department of Justice, Office for Victims of Crime.

Background & Purpose
Funded with an Office for Victims of Crime (OVC) grant in 2002, the CASE Partnership has as its goals: (1) preventing elder financial abuse, (2) improving victim services, and (3) increasing reporting of fraud in the city and county of Denver. The program works with faith communities to reach older adults to take advantage of the high levels of religious involvement among many older persons and the social support networks that faith communities provide to this population.

Description
CASE addresses all forms of elder financial exploitation, placing emphasis on the danger of exploitation by family or associates, and provides specific prevention suggestions, which are publicized on the web site. Working with faith community partner congregations, the District Attorney's Office sponsors clergy training seminars at churches and synagogues to train clergy and lay leaders regarding elder financial exploitation and prevention strategies and tools. The

District Attorney's Office also holds Power Against Fraud seminars for groups of older adults and entire congregations. The program issues a monthly Fraud Alert to its faith partners detailing seasonal fraud issues and current fraud problems. The District Attorney's Office provides a community advocate for elder abuse, whose role is to encourage detection and reporting of elder financial crimes as well as to provide victim support. The District Attorney's Office provides further support for financial abuse victims through aggressive collection of court-ordered restitution payments.

Colorado—Colorado Restitution Program—Court Service Collections Investigator Program[574]

Sponsor
The Colorado Judicial Department.

Background & Purpose
The Colorado Judicial Department created the Collections Investigator Program in 1989 to enforce the restitutions provisions of the Colorado criminal restitution code. The system began in the county courts and expanded to the district courts after a pilot project in 1993.

Description
The program employs collections investigators in the court system to see that the victims of financial abuse receive the court-ordered restitution. After an interagency review of state restitution laws and their operation which began in 1998, the Colorado criminal restitution statutes were revised in 2000. Under the new code, criminal restitution must now be considered after conviction for any felony, misdemeanor, petty offense, or traffic misdemeanor offense.

Connecticut—Jewish Care Network (JCN) of New Haven[575]

Sponsors
Five local Jewish community service organizations in New Haven, including the Jewish Family Service of New Haven.

Background & Purpose
JCN was formed as a cooperative gateway to the services of the constituent community service organizations and to provide individual and family counseling, including elder abuse counseling.

Description
JCN operates on a nonprofit basis to provide a broad range of senior services, including free counseling and legal assistance for Jewish victims of elder abuse and financial exploitation.

Delaware—Delaware Attorney General's Elder Abuse and Exploitation Project (DEAEP)[576]

Sponsor
Delaware Department of Justice.

Known Federal Funding
Department of Justice, Office for Victims of Crime initial funding.

Background & Purpose
DEAEP was founded in 1997, after the state Criminal Justice Council discovered a significant increase in reported abuse, neglect, and exploitation cases involving elder and vulnerable adults. Previously the APS, located in the Delaware Division of Aging and Adults with Physical Disabilities was the agency solely responsible for protecting vulnerable adults, and it was not involved in criminal prosecution of financial abuse cases. The goal of DEAEP is to remedy this deficiency by promoting prosecution-based assistance to elderly victims of abuse, neglect, and exploitation through greater cooperation between law enforcement and APS.

Description
The program consists of two investigators who work on complaints and lend support to police agencies investigating financial exploitation cases. DEAEP is notified when Delaware APS feels that neglect, abuse, or financial exploitation has occurred, and local police are called to the crime scene. A DEAEP project investigator from the Delaware Attorney General's office works with APS personnel to customize an investigative case plan and works as a liaison between law enforcement and APS personnel. The Attorney General's office also publishes pamphlets and web-based information to inform the public and potential victims of the program.

District of Columbia—Financial Abuse Consulting Team (FACT)[577]

Sponsors
Office of the U.S. Attorney for the District of Columbia, Economic Crime Section; District's Office of the Corporation Counsel Family Services Division; APS; and the Long-Term Care Ombudsman program.

Background & Purpose
FACT was officially constituted in 2000, although an unofficial effort of the same name dates from 1997. Based on the Los Angeles County Fiduciary Abuse Specialist Team (FAST) model, FACT provides a structure within which cases of financial exploitation of older persons in the District of Columbia can be evaluated, investigated, and prosecuted more quickly and effectively in both local and federal court systems.

Description
The FACT team uses a multidisciplinary team approach bringing together representatives from law enforcement and social services to cooperate in evaluating, investigating, and prosecuting

crimes of elder financial abuse more quickly and effectively in both local and federal court systems.

Florida—Elder Justice Center[578]

Sponsor
Administrative Office of the Courts, 13th Judicial Circuit, Tampa, Florida.

Background & Purpose
The Elder Justice Center is designed to help persons age 60 or older by training and supervising family guardians.

Description
The Center employs two full-time court counselors who provide case management review in guardianship cases. They review all court guardianship plans and can be appointed as court monitors in cases where the court wishes information beyond that contained in the submitted plan. An additional court counselor assists elders with navigating the court system and completing court paperwork. The center also conducts training for family guardians. A second center, modeled on this one, is located in West Palm Beach.

Florida—Guardianship Investigator/Court Monitor[579]

Sponsor
Administrative Office of the Courts, Seventeenth Judicial Circuit, Fort Lauderdale, Florida.

Background & Purpose
The Guardianship Investigator conducts investigations when allegations of fraud, abuse, or exploitation of a minor or elderly ward are received or suspected.

Description
The Guardianship Inspector is assigned by the court to investigate suspected cases, both individually and in cooperation with law enforcement. The inspector also reviews all guardianship applications, conducting criminal and credit background checks and making recommendations to the presiding judge.

Florida—Little Havana Outreach[580]

Sponsor
Little Havana Activities and Nutrition Centers of Dade County, Inc.

Background & Purpose
The Little Havana Activities and Nutrition Centers were founded in 1972 to provide primary preventive care to monolingual Spanish-speaking immigrants at risk due to socioeconomic and language limitations or social isolation.

Description
The Little Havana Program is a community outreach program based in a group of community centers. The program engages in a wide range of activities, including the prevention of financial exploitation of their constituency at the hands of friends or caregivers in the community setting. The program addresses the issue by outreach and observation of vulnerable elders in the community and by providing centralized and in-home social and physical support services. When financial and other abuse is observed in the course of these activities, the program notifies the appropriate enforcement agencies.

Idaho—Ada County Guardianship Monitoring Program[581]

Sponsors
Idaho 4th Judicial District Trial Court, Ada County, AARP, Idaho State Bar Association.

Background & Purpose
The program was created in 1995 in response to state requirements that the court review and monitor all guardianship and conservatorship cases. It operated using AARP-recruited volunteers under the direction of a judge until 2002. At that time, a part-time (30-hour per week), paid administrator was hired by Ada County to direct the program, which utilized about 10 volunteer court visitors.

Description
The program is responsible for monitoring approximately 1,200 guardians and conservators in Ada County, with a plurality of these serving older adults. Monitoring is through written reports, which must by law be submitted annually, and through home visits conducted by the volunteer visitors who meet personally with the guardian and the ward. The program makes about 15 home visits per month but plans to increase that number so that every case is visited annually. Numerous cases of financial abuse have been identified, and the program director refers these to the Fiduciary Review Committee of the Taxation, Probate & Trust Law Section of the Idaho State Bar Association for investigation and recommendation to the court. Working with the State Bar and AARP, the program director is preparing a grant to involve the investigative office of the State Department of Finance in monitoring, investigation, and enforcement of penalties for financial abuse by conservators and guardians.

Illinois—Bankers and Seniors Against Financial Exploitation (B*Safe)[582]

Sponsors
Illinois Department on Aging, Illinois Bankers Association, Illinois Community Bankers Association, Office of the Attorney General of Illinois and TRIAD.

Background & Purpose
B*Safe is a cooperative effort to encourage and help banks train their personnel to identify, report, and stop situations involving elder financial abuse.

Description
B*Safe is modeled on the Oregon Bank Reporting Project model and has worked with over 1,500 bankers to date, providing training in recognizing and reporting elder financial abuse. Under Illinois law, banks with written policies are protected from lawsuits for reporting potential abuse. B*Safe encourages banks to create such policies, assists with training front-line personnel to recognize potential elder financial abuse situations, and encourages front-line personnel to report potential elder financial abuse situations to their supervisors.

Illinois—Elder Abuse and Neglect Program[583]

Sponsor
Illinois State Unit on Aging (SUA).

Background & Purpose
The Illinois Elder Abuse and Neglect Program maintains a system of trained case workers and an extensive computerized data monitoring system for the state's APS network, which is coordinated under the Bureau of Elder Rights of the State Department of Aging. The program was authorized in 1988 and began operation April 1, 1991. Mandatory reporting of elder abuse became law in 1999 for medical, social service, law enforcement, and eldercare professionals.

Description
The State Department of Aging contracts with local agencies to provide trained elder abuse case workers and to receive and investigate local abuse reports and provide social services when needed. Priorities are established for the cases, and deadlines for handling the cases vary from 24 hours to 7 business days depending on the assigned priority. A standard series of appraisals is performed for each case, and a statewide database of these elder abuse cases is maintained, including comprehensive and standardized information about the elderly victim and the abuser. Information is collected during the initial investigations/assessment process, and every 3 months until the case is closed, with the initial risk appraisal, a 90-day full assessment and the final report at the closing of the case is submitted for the database. Agency reimbursement from the State Department of Aging is dependant on the filing of these information forms and, as a result, the system is able to provide a comprehensive view of reported elder abuse in Illinois. Financial exploitation is a major focus of the program. It is the type of abuse most frequently reported, and most such abuse is committed by a family member.

Illinois—Seniors & Persons with Disabilities Division[584]

Sponsor
Cook County (Chicago) State's Attorney's Office.

Background & Purpose
The State's Attorney has established a special prosecution unit which includes financial exploitation as a main focus.

Description
Staff members of the Division specialize in crimes against older and disabled persons. They work closely with social service agencies as well as the police in the prosecution of cases, are available for lectures and other public outreach activities, and maintain a toll-free hotline for abuse reports.

Indiana—Clark County Prosecuting Attorney, APS Unit 14 Support Program[585]

Sponsor
The Clark County Prosecuting Attorney.

Background & Purpose
The Prosecuting Attorney provides supplemental support to the local APS investigator for elder abuse investigations.

Description
Indiana's Family and Social Services Administration, local prosecuting attorneys and APS units serve the same geographic areas. The Clark County Prosecuting Attorney coordinates with the local APS unit by supplementing the APS budget for investigators and trained victim assistance counselors, and by providing a toll-free Elder Abuse Hotline.

Kentucky—Kentucky Attorney General's Senior Crime College[586]

Sponsors
The Attorney General of Kentucky with The Sheriff's Association, Police Chief's Association, Kentucky State Police, Kentucky Crime Prevention Coalition, AARP, Retired Senior Volunteer Programs (RSVP), the local Area Agencies on Aging, Kentucky Banker's Association, local law enforcement agencies, and local businesses.

Background & Purpose
The Attorney General formed the Office of Senior Protection in 1998, after a report by the Kentucky Attorney General's Division of Consumer Protection, Victims' Advocacy, and Medicaid Fraud found that Kentucky's senior population was being victimized at a rate disproportionately higher than the rest of the population. The 2000 General Assembly provided continuing funding for the initiative.

Description

The "Seniors Crime College" teaches crime prevention to Kentucky's senior population. The program uses the slogan "Aware, Avoid, Alert" and educates seniors about how to recognize potential crimes before they occur, as well as who to alert after a crime has occurred. The program also educates bank employees to recognize signs of elder abuse. In addition, the College provides in-service training for the Kentucky State Police to raise awareness among law enforcement of these crimes and how to deal with seniors.

Maine—Elder Abuse Institute of Maine[587]

Sponsors

Maine Bureau of Elder and Adult Services, Maine Legal Services for the Elderly, Maine Office of Elder Affairs, University of New England, Maine Department of Public Safety, Maine Justice Council.

Background & Purpose

The Institute is a coalition of groups which have been working to increase awareness of and stop elder abuse, neglect, and exploitation since 1995.

Description

The nonprofit Institute operates as a cooperative of the sponsoring agencies, which contribute representatives and resources to the effort. Although the Institute has no paid staff, it has the support of a full-time attorney through Maine Legal Services for the Elderly. Through these means and with additional grant support, the Institute has sponsored five statewide elder abuse conferences and performed over 50 workplace training sessions for professionals who deal with elder abuse, designing a module-based training program for use by law enforcement agencies, emergency medical service professionals, and community organizations. Through the Southern Maine Agency on Aging, the Institute provides training for volunteers who assist seniors with budgeting and paying bills. The Institute also engages in research and media outreach.

Maine—Elder Crime Contact Officer (ECCO) Program[588]

Sponsors

The Office of the Maine Attorney General.

Background & Purpose

The ECCO was created in 1999, when the Attorney General asked each law enforcement agency to designate an officer for enhanced training on elder-related law enforcement topics.

Description

These specially trained personnel, now numbering over 100 throughout Maine, are the subject experts for their agencies in the area of crimes against elders. Their activities also include outreach to the elder community, including participation in TRIADs. Although their responsibilities and training are in all forms of elder abuse, the abuse of elderly persons by family members and caregivers is one of their major areas of interest.

Maine—Legal Services for the Elderly[589]

Sponsors
Legal Services for the Elderly (LSE).

Known Federal Funding
Administration on Aging.

Background & Purpose
LSE, a nonprofit law firm and the designated Elder Abuse agency for the City of Portland, Maine, has the mission of providing free, high-quality legal assistance to Maine's needy elderly age 60 and older. Elder abuse, including financial exploitation, is a central focus of their work.

Description
LSE provides information on its web site about elder abuse and the legal remedies for it, and provides access to legal assistance services through a toll-free hotline and five offices across the state. One of the attorneys with the practice works solely with elder abuse cases, and the practice assists elders in preventing and responding to abuse through providing services in guardianship/conservatorship issues, financial abuse and exploitation, and financial powers of attorney. Free translators in 11 languages are provided for elders who do not speak English.

Massachusetts—The Massachusetts Bank Reporting Project[590]

Sponsors
The Massachusetts' Executive Office of Elder Affairs (EOEA), in collaboration with the Executive Office of Consumer Affairs, the Attorney General's Elderly Protection Project, and the Massachusetts Bank Association.

Background & Purpose
After reports of widespread financial exploitation of Massachusetts elders in the early 1990s, an interagency task force was formed to address the issue. The project was introduced in November 1995, with the goal of preventing exploitation of older persons by educating bank employees and consumers, as well as increasing participation between the financial industry, elder protective services, and law enforcement.

Description
The task force, directed by EOEA, brought together representatives of agencies that regulate the financial industry and representatives of the Massachusetts Bankers Association. The work of the task force led to a system of reporting procedures for banks as well as guidelines for cooperating with investigations. Under this system, bankers are not mandated reporters of elder financial abuse but are provided with protection from liability for "good faith" reporting. Banks

also receive incentives for their participation, including points toward Community Reinvestment Act approvals. In addition to the reporting protocol, the program provides training for bank personnel and informational materials for consumers.

Massachusetts—The Massachusetts Money Management Program (MMP)[591]

Sponsors
The MMP is jointly sponsored by The Executive Office of Elder Affairs, The Massachusetts' Home Care Association, and AARP.

Background & Purpose
Begun in 1991, the program provides money management services to vulnerable elders.

Description
MMP, using trained and monitored volunteers, provides bill paying and representative payee services to elders who are experiencing difficulty in paying their bills and managing their financial affairs, providing a valuable safeguard for elders who are at risk of financial exploitation. The MMP is funded through state appropriations which support a statewide management and oversight capacity and partially funds local program operations. Since its inception, the MMP has served over 4,400 elders, and about 1,100 elders are presently being helped.

Michigan—Elder Abuse Training Programs[592]

Sponsors
Office of Services to the Aging (OSA) and Family Independence Agency (FIA).

Background & Purpose
OSA began conducting trainings in 1997 for law enforcement personnel, APS, legal service providers, and long-term care ombudsmen on the issue of elder exploitation. The program's goals are (1) to bring together those staff members from the various agencies who would be called on to intervene in cases of elder abuse, (2) to increase their sensitivity to the issue and make them aware of the roles each plays, and (3) to encourage them to coordinate efforts in resolving problems.

Description
The training offers information on how to handle an investigation, including information on techniques, identification, and how to interview resistant clients. The training also teaches participants how to build task forces at the community level. OSA offers similar training programs that are tailored for prosecutors to help them understand state statutes, as well as a training curriculum for bankers which is based on the Massachusetts Banker training model.

Nebraska—Vulnerable Adult Prosecution Team[593]

Sponsors
Douglas County Attorney, APS, Omaha Police Department, Douglas County Sheriff.

Background & Purpose
The Vulnerable Adult Prosecution Team was constituted in 1999 to coordinate the prosecution of elder abusers and the protection of victims. Financial abuse by friends and family is a significant portion of the case load. The creation of the team was the outcome of about 20 years of conversations and preliminary efforts between the agencies.

Description
The team, consisting of representatives of the four agencies, meets regularly to hear cases presented by the APS and the law enforcement agencies to the domestic violence and vulnerable adult attorneys from the Douglas County Attorney's office. A forensic accountant is available to investigate cases of fraud and elder financial abuse, and these investigations are in cooperation with a member of the APS staff who specializes in financial abuse. APS is able to subpoena medical and financial records and make these available to investigators. Between meetings of the team, the APS and law enforcement agencies keep each other informed of ongoing investigations, with law enforcement responding to emergencies. Financial abuse constitutes the largest category of the APS caseload, and most of those cases involve financial abuse to elderly adults by family and friends.

New Jersey—Comprehensive Enforcement Program[594]

Sponsor
Court System of the State of New Jersey.

Background & Purpose
The program was initiated in 1995 in the state courts to streamline the process of collecting financial judgments ordered in criminal proceedings. The program was expanded to municipal courts in 2002 by the state legislature.

Description
Under the Comprehensive Enforcement Program, the enforcement of monetary judgments is delegated to enforcement program hearing officers who have the authority to monitor payment schedules and issue penalties for noncompliance. Collections include restitution payments for victims of financial abuse, which in the past were often never collected despite judgments in the victim's favor.

New York—Erie County Crisis Services Advocate Program[595]

Sponsors
Erie County Department of Senior Services and the Erie County Sheriffs Office.

Background & Purpose
The program was created in 1998 to provide support for senior crime victims.

Description
The program consists of an elder abuse specialist who handles only senior abuse cases, including physical, sexual, family, and financial abuse. The elder abuse specialist provides counseling, case management, court accompaniment and advocacy for senior crime victims. The specialist also provides educational and professional presentations.

New York—LIFESPAN's Elder Abuse Prevention Program[596]

Sponsor
LIFESPAN.

Background & Purpose
LIFESPAN, a nonprofit agency based in Rochester, New York, was founded in 1971 and provides a continuum of non-medical services from employment placement to nursing home placement, including supports for vulnerable elders and abuse victims.

Description
The Agency's Elder Abuse Prevention Program serves a 10-county area with social workers who investigate suspected cases of abuse, mistreatment, and neglect, including elder financial abuse, and intervene to reduce factors contributing to the abuse. LIFESPAN also provides a wide range of financial and consumer services to help older adults age well and to prevent financial abuse. Services include counseling on long-term care insurance, health proxies, powers of attorney, government benefit programs, and intervention services, including in-home budgeting and bill paying assistance for the frail elderly and guardianship for incapacitated individuals.

New York—Mt. Sinai Hospital Elder Abuse Program[597]

Sponsors
Mount Sinai Hospital Department of Social Work Services and the New York State Crime Victims Board.

Background & Purpose
The Mount Sinai program began in October of 1998 under a grant from the New York State Crime Victims Board to provide direct services to elder abuse and neglect victims. The program utilizes trained social workers to provide needed assistance to patients aged 60 or older and to their family and caregivers.

Description
The Mount Sinai program is coordinated by a social worker and offers assistance with compensation claims, help in negotiating the legal system, counseling for the patient and for family or other caregivers, follow-up contacts, strategies to prevent further mistreatment, and information about and referrals to other community resources. The social worker also conducts advocacy activities on behalf of victims.

New York—New York State Office of Children and Family Services Financial Exploitation Task Force[598]

Sponsor
New York State Department of Social Services.

Background & Purpose
The task force was convened in 1995 to bring together representatives of the New York State Department of Social Services, Office for the Aging, Attorney General's Office, District Attorney's Office, Department of Banks, law enforcement, AARP, and local community service programs to educate financial institutions and consumers on elder financial abuse issues.

Description
The task force modified the Massachusetts Bank Reporting Project Trainer Reference Manual to reflect New York Law and policies and developed a model protocol for reporting and responding to financial abuse. The task force also created a training manual and video. Using the materials developed by the task force, the New York State Department of Social Services continues to provide training, technical assistance, oversight, and intervention to county level programs to increase awareness and knowledge.

New York—Promoting Respect, Integrity and Dignity in Elders (P.R.I.D.E.)[599]

Sponsors
Monroe County, New York, Department of Health and Human Services, Department for the Aging, with the support of local aging agencies and service providers.

Background & Purpose
This program was an outgrowth of an evaluation of Monroe County's older population which resulted in a 1998 report, Aging Well. Among its recommendations was more effective dissemination of information for identifying and reporting elder abuse, including financial abuse.

Description
The program is primarily educational, making elders aware of existing services, including financial management assistance, advocacy organizations, and AoA and APS contacts for elder abuse reporting.

New York—Safe Horizon Elder Abuse Services[600]

Sponsors
Safe Horizon is a nonprofit victim assistance organization based in New York City and supported by numerous private foundations and individuals.

Background & Purpose
Safe Horizon was founded in 1978 as Victim Services, and its mission is to provide support for victims of crime and abuse, including elder financial abuse.

Description
Safe Horizon provides counseling, support groups, legal information, advocacy, transportation, and emergency support for victims of elder abuse, including financial abuse. They maintain a 24-hour hotline and a web site, hold training seminars, and publish brochures on elder abuse.

New York—Stop Elder Abuse and Mistreatment (SEAM)[601]

Sponsors
Independent organization.

Background & Purpose
SEAM is an independent psycho-educational group for abusers of the elderly, modeled on men's batterers programs in domestic violence. The program began in 2002, under a grant from the Public Welfare Foundation, and provides a "third alternative" to the prosecution or release of a family member for elder abuse and financial exploitation.

Description
SEAM receives most of its referrals from District Attorneys, who offer the program to offenders as an alternative to prosecution, and from the Family Court/Domestic Violence Court as a condition in the issuance of Orders of Protection. The groups of up to 10 to 12 persons participate in a 16-week course of therapy that confronts the entitlement mentality, ageism, and power/control issues that motivate the offender to commit abuse. Those with drug or mental health problems are referred to appropriate support agencies for assistance as a part of their group treatment. A case management component follows the abuser during and after the group to track results. The program is new and has treated 11 persons so far, five of which had engaged in elder financial abuse, and four of which have not committed further abuse. The program is financed by participant fees on a sliding scale.

Ohio—Crime Watch Program[602]

Sponsor
Office of the Attorney General of Ohio.

Background & Purpose
The Crime Watch Program is designed to offer seniors a personal contact with the Attorney General's Office and facilitate their use of the criminal justice system.

Description
Under Crime Watch, an elder abuse investigator from the Attorney General's Office is assigned to work with AARP, RSVP, and local aging agencies to educate elders about the court system. The investigator helps organize groups of elders to attend court and observe the trials of those accused of elder abuse, including financial abuse. This provides victims with a support group in the trial process and an educational opportunity for those who attend. When a judge is willing, the investigator makes arrangements for the elders to ask questions about the legal system after the trial.

Oklahoma—Elder Financial Exploitation: An Overview[603]

Sponsors
Oklahoma Council on Law Enforcement Education and Training (CLEET), Department of Human Services, Law Enforcement, Office of the Inspector General.

Background & Purpose
This 8-hour instructional course was introduced in 2000 in response to both APS difficulties in obtaining police support and at the request of law-enforcement leadership. The class is designed to make police officers aware of exploitation as a crime and instruct them in procedures for investigating these cases.

Description
Elder Financial Exploitation: An Overview is a regular course offering of CLEET to train police officers in Oklahoma regarding aging issues, the nature of elder abuse, state laws relating to financial abuse of the elderly, differentiating civil from criminal situations, identification of evidence, perpetrator characteristics, and the presentation of cases to a District Attorney. Although the course is not required, it is being taught five times in 2003.

Oklahoma—Sunbeam Family Services Emergency Shelter for Senior Citizens[604]

Sponsors
Sunbeam Family Services and the Oklahoma Department of Human Services.

Background & Purpose
The Emergency Shelter began operations in October 2002, the result of a planning process initiated by the APS in 2000, which gained the support of Sunbeam Family Services, a family assistance organization based in Oklahoma City. The shelter's purpose is to provide appropriate short-term accommodations for abused and temporarily homeless elders.

Description
The Shelter accepts residents on referral from the APS and provides respite services for up to 30 days while the APS is making more permanent housing arrangements for them. The shelter is equipped to accommodate elders who may be handicapped or frail, and 24-hour care is provided as needed. Any elder in need of the service may be referred; however, many of the elders that the shelter has served are temporarily homeless as a result of financial exploitation by friends or family.

Oregon—Elder Abuse Multidisciplinary Team (MDT) and Elder Safe Program[605]

Sponsors
The Washington County, Oregon, Sheriff and District Attorney and the Oregon Department of Aging and Veterans' Services.

Background & Purpose
The MDT was formed in 1999 and became a part of the Elder Safe Program when it was launched in 2000. The combined programs have three goals: (1) to assist victims of elder abuse; (2) to identify, investigate, and prosecute elder abuse; and (3) to prevent elder abuse through education for older citizens. The programs have adopted financial abuse as one of their primary concerns.

Description
The Elder Safe program staff and community volunteers provide services for victims who are not severely cognitively impaired (cognitively impaired victims are referred to the local mental health agency), contacting each victim after an abuse report is received. They work with the victim throughout the legal process to negotiate the court system, help victims obtain access to other community services, and provide counseling and personal support. Educational activities of the program include workshops and an annual Elder Abuse Awareness Day event.

The Multidisciplinary Team, composed of the elder abuse prosecutors from the District Attorney's office, as well as representatives from APS, mental health practitioners, local law enforcement, Elder Safe volunteers, and private lawyers, provides support to the investigation and prosecution of elder abuse cases. Meeting monthly as a group, they are able to analyze difficult cases and advise law enforcement and prosecutors. The MDT has also supported the development of an elder abuse instructional video about APS for law enforcement personnel, implemented a 24-hour hotline for legal and medical assistance to abuse victims, developed a database of elder abuse cases, and made presentations at local and national meetings. MDT members also participate in policy development as members of the Attorney General's Elder Abuse Task Force.

Oregon—Oregon Bank Reporting/Elder Fraud Exploitation Prevention Project[606]

Sponsors
Department of Human Services, Senior and Disabled Services Division, and the Oregon Banker's Association.

Known Federal Funding
Department of Justice.

Background & Purpose
An Attorney General's Task Force on Elder Abuse in 1994 led to a cooperative effort with the Oregon Banker's Association to prepare legislation to amend the Private Financial Records statute in 1995. The Oregon Bank Reporting Project was then developed with the support of other organizations including Oregon Seniors and People with Disabilities, AARP, and the Oregon Association of Area Agencies on Aging. The project teaches bank employees to recognize and report suspected elder financial exploitation and to develop educational seminars for seniors in their local communities.

Description
Since the 1995 amendment, bank personnel are allowed but not required to contact law enforcement agencies when they suspect that an elder is being financially abused. Bank personnel also received protection from liability for releasing relevant customer information. After these changes and with the support of the Oregon Banker's Association, the project produced a kit of training materials, including videotapes and printed materials, and recruited financial institutions to train their employees to report elder financial abuse. The "Roll Call" video included in the kit was produced in two versions, one of them being narrated by a native American to reach out to that community.

One part of the kit provides support for teaching bank employees how to recognize, respond to, and report suspected financial exploitation of elders. A second part of the kit teaches bank employees to organize seminars to reach out to seniors to teach them about the potential for abuse and ways to protect themselves. The kits were distributed to every Oregon Bank with the endorsement of the Oregon Bankers Association, and local trainings have been held throughout the state. Kits have also been sent to all the other states, and several have requested technical support in adopting the program.

Oregon—Retiree Response Technical Team (R2T2)[607]

Sponsors
The Senior and Disabled Services Division of the Oregon Department of Human Services, the Oregon Attorney General's Task Force on Elder Abuse, the Oregon Bankers Association, and Oregon AARP.

Background & Purpose
The aim of the Retiree Response Technical Team (R2T2), begun in 2000, is to increase prosecutions of complex cases, particularly those in which victims are unable or unwilling to testify.

Description
T2T2 recruits and trains retired persons with expertise in financial affairs to assist APS workers in the investigation of financial abuse cases through participation on multidisciplinary advisory teams.

Pennsylvania—Enhanced Investigative Capacity Project[608]

Sponsors
Philadelphia Corporation for the Aging, Pennsylvania Department of Aging, and Temple University's Institute on Older Adult Protective Services Training.

Known Federal Funding
Administration on Aging.

Background & Purpose
This program, initiated in 2001, seeks to increase the capacity of Area Agencies on Aging to effectively investigate and resolve allegations of financial exploitation. The Temple University Institute provides general direction and consultative services.

Description
One element of this program supports two full-time staff members, one each in Philadelphia and Allegheny counties, recruited for their expertise in investigating thefts, fraud, and financial exploitation. The investigators review cases amenable to either civil or criminal prosecution. They also train APS personnel on which acts constitute a crime and work with them to identify criminal cases. The staff members maintain relationships with both law enforcement and the financial community. They set up routine consultations with protective service workers to understand the investigative issues with financial exploitation and to identify additional cases. The investigator in Philadelphia also serves as liaison with the loss-prevention staff of Wachovia Bank in that area in a Elder Abuse Pilot Program to identify, prevent, and report suspected financial exploitation of older Wachovia customers.

Another element of the program is based in Burks County and also supports a full-time elder abuse investigator. Representatives of the Burks County APS, the Burks County solicitor general, and detectives from the Burks County District Attorney meet regularly with Institute representatives and the investigator to coordinate activities and discuss cases. Between meetings, the investigator conducts investigations and coordinates investigation activities with the member agencies. The investigator also trains APS personnel to conduct their investigations, gather evidence, and prepare reports that are useful to police investigation, when appropriate.

Pennsylvania—South Central Pennsylvania Protective Services Training Institute/Task Force[609]

Sponsors
Philadelphia Corporation for the Aging, Pennsylvania Department of Aging, and Temple University's Institute on Older Adult Protective Services Training.

Background & Purpose
This initiative, created in March, 2002, features a five-tiered program to identify and address ways to help Adult Protective Services protect the elder population in Pennsylvania, along with a task force for ongoing training and consultation between APS and other professionals.

Description
Selected protective services workers from the Area Agencies on Aging participate in a training program consisting of five tiers: (1) working with APS to have a better understanding of investigations as well as to assist the client recover assets; (2) working with five counties to raise consciousness about the aging population and elder abuse and to urge them to create local task forces; (3) working with law enforcement to raise their awareness of elder abuse—The Division of Pennsylvania State Police offers a 3-credit course which serves as an introduction to abuse, exploitation, and abandonment on both the civil and criminal side; (4) working with District Attorneys to help them understand elder abuse and train them in investigative methods—the Institute also consults on current cases; and (5) providing technical assistance or specialists for cases when counties need such assistance. These trained individuals meet with representatives from state and local enforcement agencies and consultants from the Institute on Older Adult Protective Services on a regular basis to exchange information about the legal and social needs of the older population and to discuss particular cases.

South Carolina—Adult Protection Coordinating Council[610]

Sponsor
South Carolina Department of Health and Human Services.

Background & Purpose
The work of a 1991 Advisory Committee on Adult Abuse, Neglect, and Exploitation resulted in the enactment of the Omnibus Adult Protection Act in 1993. The Act defined the adult protection system for the state and created the Adult Protection Coordinating Council. The Council comprises 20 members from public and private organizations along with two gubernatorial appointees, and its mandate is to make every effort to coordinate the activities of

the state adult protection system with those of other public and private agencies and organizations with an interest in the issue.

Description
The Council has organized and initiated training programs for law enforcement, human services, and other professionals regarding vulnerable adults at risk of abuse, neglect, and exploitation. It has conducted public awareness campaigns, including directed campaigns to the faith community, medical staff, and the general public. It has also developed a guardianship program, and it collaborates with the banking community in developing legal changes to enhance the reporting and prosecution of adult abuse and exploitation.

Tennessee—Samaritan's Place[611]

Sponsors
Associated Catholic Charities of East Tennessee, St. Mary's Health System.

Background & Purpose
Samaritan's Place is an Elder Safe House founded in 1998. Elders who have been subjected to financial exploitation by friends or family are one of its special concerns.

Description
Samaritan's Place receives most of its referrals from APS. The facility is located in the St. Mary's hospital complex, giving it the resources needed to meet the needs of a broad range of elders, although it does not provide skilled medical care. The program provides a safe shelter for those who have reported abuse, including financial abuse by friends or family, and may be in fear of retribution. Along with temporary respite, the program assists in locating appropriate permanent housing as needed.

Texas—Texas Elder Abuse and Mistreatment (T.E.A.M.) Institute[612]

Sponsors
Texas Department of Protective and Regulatory Services, APS Division; Harris County Hospital District; and Baylor College of Medicine.

Background & Purpose
The T.E.A.M. Institute is a collaboration between these agencies, initiated in 1997, which uses an interdisciplinary geriatric medicine team as an adjunct to APS intervention in identifying and assisting victims of abuse, including financial abuse.

Description
An interdisciplinary medical team, consisting of social workers and APS specialists as well as geriatrics physicians and nurse practitioners, examines elderly patients for abuse at the request of the APS. The abuse case may consist primarily of financial exploitation, caregiver neglect, self neglect, or it may be a combination of the three. The assessment can be conducted in either a

hospital or in the home, using a standard series of medical and psychological tests. Based on the assessment, the team makes recommendations for social work service intervention. Medical students are also trained to identify elder abuse. Program participants have made presentations on the program in multiple states, and plans are in place to expand the program throughout Texas.

Virginia—Financial Institution Reporting Project[613]

Sponsors
Virginia Department of Social Services (VDSS) Adult Service Programs, AARP, Better Business Bureau of Central Virginia, Virginia Secretary of Health and Human Resources, Professional Insurance Agents of Virginia and DC, Virginia Attorney General TRIAD program, Virginia Bank Security Association of Tidewater, Virginia Bankers Association, Virginia Coalition for the Prevention of Elder Abuse, Virginia Credit Union League, Virginia Securities Association.

Background & Purpose
The Virginia Financial Institution Reporting Project (FIR) is the product of an advisory committee convened by the VDSS Adult Services Program with representatives from the other sponsoring groups. Its purpose is to prevent elder financial abuse by a timely response of financial institutions to potential exploitation and is, in part, adapted from the Oregon and Massachusetts Bank Reporting Projects.

Description
The project utilizes the resources of its members, including the 121 local departments of social services and 25 area agencies on aging in Virginia, along with the members of the associated professional organizations, to train financial professionals in the nature of elder financial abuse, the laws regarding it, and the means for reporting it, including how to cooperate with APS investigations. The project has developed a tool kit of information, including endorsements of political and professional leaders, suggested activities, a brochure, and a PowerPoint presentation to conduct the training. The kit also includes the video prepared by the Oregon Bank Reporting Project. APS distributes the tool kit and conducts trainings on a state and regional basis and encourages local groups to organize training for local financial institutions. The project also emphasizes prevention activities, and the tool kit includes a brochure for distribution to vulnerable elders and the public. The tool kit was first distributed on April 2002, and an analysis of its impact is under way.

Wisconsin—Elder Financial Exploitation Project[614]

Sponsors
The Coalition of Wisconsin Aging Groups (CWAG) Elder Law Center and the Wisconsin Department of Justice.

Known Federal Funding
Department of Justice, Administration on Aging.

Background & Purpose
The Elder Financial Exploitation Project began operations in 2002 under a grant from the Wisconsin Department of Justice using funds provided under the federal Victims of Crime Act. Its purpose is to provide direct legal services to elder victims of financial abuse and outreach, education, and training to victims and to professionals working with vulnerable older adults.

Description
The project staffs a legal helpline for older persons on financial abuse issues and, under the leadership of a full-time attorney, provides legal assistance to victims, including emergency help with powers of attorney, assistance in the court system, and negotiating with creditors. Project staff provide training to benefit specialists in all 72 counties of Wisconsin regarding financial exploitation, and also provide informational support to social workers and APS personnel. The project is also seeking to develop a volunteer panel of attorneys, bankers, and other financial experts to offer further assistance to victims.

Wisconsin—Senior Law Elder Rights Project[615]

Sponsor
Legal Action of Wisconsin.

Known Federal Funding
Centers for Medicare and Medicaid Services, Department of Justice.

Background & Purpose
Senior Law provides free legal advice and representation to Milwaukee County and Southeastern Wisconsin residents over age 60. Their work has a major focus on elder rights.

Description
Under its Elder Rights Project, Senior Law provides counseling, advice, and representation in court for cases involving elder abuse, including financial abuse. It also develops legal and advocacy strategies to protect victims and prevent future abuse. Services are available through a telephone hotline, local offices, and in-home visits when a person is unable to travel.

SPECIALIZED INITIATIVES

Initiatives with Specialized Audiences or Focuses

Initiative Title	Initiative Focus
California—The Vulnerable Adult Specialist Team (VAST) of the Program in Geriatrics, University of California at Irvine College of Medicine	Medical care-based
Colorado—Clergy Against Senior Exploitation (CASE) Partnership	Faith-based
Delaware—Delaware Attorney General's Elder Abuse and Exploitation Project (DEAEP)	Jewish community
Florida—Little Havana Outreach	Hispanic community
New York—Mt. Sinai Hospital Elder Abuse Program	Medical care-based
Tennesse—Samaritan's Place	Faith-based
Texas—Texas Elder Abuse and Mistreatment Institute (T.E.A.M.)	Medical care-based

NOTES

Section I

[1] National Research Council (2003). Elder Mistreatment: Abuse, Neglect, and Exploitation in an Aging America. Panel to Review Risk and Prevalence of Elder Abuse and Neglect. R.J. Bonnie & R.B. Wallace, Eds. Committee on National Statistics, Division of Behavioral and Social Sciences and Education. Washington, DC: National Academies Press.

[2] Pillemer, K.A., & Finkelhor, D. (1988). The prevalence of elder abuse: A random sample survey. *The Gerontologist, 28*(1), 51-57; and Pavlik, V.N., Hyman, D.J., Festa, N.A., & Dyer, C.B. (2001). Quantifying the problem of abuse and neglect in adults: Analysis of a statewide database. *Journal of the American Geriatrics Society, 49*(1), 45-48.

[3] Older Americans Act, Title 42, Chapter 24, Subchapter XI, Part A, subpart iii (g) (1). See the Official Compilation of the Older Americans Act as amended in 2000, available at www.aoa.gov/about/legbudg/oaa/legbudg_oaa.asp

[4] L. Stiegel, personal communication, December 8, 2003.

[5] National Center on Elder Abuse (NCEA). (1996). *Elder abuse: Questions and answers.* Washington, DC: National Center on Elder Abuse.

[6] National Center on Elder Abuse (NCEA). (1998). *The National Elder Abuse Incidence Study: Final report.* Washington, DC: National Aging Information Center; Tueth, M.J. (2000). Exposing financial exploitation of impaired elderly persons. *American Journal of Geriatric Psychiatry, 8*(2), 104-111; Choi, N.G., & Mayer, H.J. (2000). Elder abuse, neglect and exploitation: Risk factors and prevention strategies. *Journal of Gerontological Social Work, 33*(2), 5-25; Wilber, K.H., & Reynolds, S.L. (1996). Introducing a framework for defining financial abuse of the elderly. *Journal of Elder Abuse & Neglect, 8*(2), 61-80; Quinn, M.J. (2000). Undoing undue influence. *Journal of Elder Abuse & Neglect, 12*, 9-16; and U.S. Senate Special Committee on Aging (2002, May 20). One Hundred Seventh Congress, Second Session. *Schemer, scammers, and sweetheart deals: Financial predators of the elderly.* (series no. 107-25). Washington, DC: U.S. Government Printing Office.

[7] Federal Interagency Forum on Aging-Related Statistics. (2000). *Older Americans 2000: Key indicators of well-being.* Washington, DC: U.S. Government Printing Office.

[8] Eberhardt, M.S., Ingram, D.D., Makuc, D.M., et al. (2001). Urban and rural health chartbook. Hyattsville, MD: National Center for Health Statistics. Retrieved March 23, 2004, from http://www.cdc.gov/search.do?action=search&queryText=URBAN+AND+RURAL+HEALTH+CHARTBOOK&x=3&y=10

[9] AARP. (2003). *Beyond 50 2003: A report to the nation on independent living and disability.* Washington, DC: AARP Policy Institute.

[10] Administration on Aging. (1997). *Facts on long-term care.* FS-97-4. Washington, DC: U.S. Department of Health and Human Services.

[11] National Research Council (2003), op. cit. ; Henderson, S. (1998). Epidemiology of dementia. *Annals de Medicine Interne (Paris) 149*(4), 181-186; and Rice, D.P., Fillit, H.M., Max, W., et al. (2001). Prevalence, costs, and treatment of Alzheimer's disease and related dementia: A managed care perspective. *American Journal of Managed Care, 7*(8), 809-818.

[12] Institute of Medicine. (2001). *Improving the quality of long-term care.* Division of Health Care Services, Committee on Improving Long-Term Care. Wunderlich G.S., & P.O. Kohler (Eds.). Washington, DC: National Academy Press.

[13] Office of the Assistant Secretary for Planning and Evaluation and Administration on Aging (1998). *Informal caregiving: Compassion in action.* Washington, DC: Office of the Assistant Secretary for Planning and Evaluation and Administration on Aging.

[14] Mattimore, T.J., et al. (1997). Surrogate and physician understanding of patients' preferences for living permanently in a nursing home. *Journal of the American Geriatrics Society 45*, 818-824; Zinn J.S., Lavizzo-Mourey R., & Taylor L. (1993). Measuring satisfaction with care in the nursing home setting: The nursing home resident satisfaction scale. *Journal of Applied Gerontology, 12*, 452-465; AARP (2003), op. cit.

[15] Newcomer, R., & Maynard, R. (2000). Residential Care for the Elderly: Supply, Demand, and Quality Assurance. The California HealthCare Foundation; AARP (2003), op. cit.

[16] AARP (2003), op. cit.; and Federal Interagency Forum on Aging-Related Statistics (2000), op. cit.

[17] Newcomer, R., & Maynard, R. (2002). Residential Care for the Elderly: Supply, Demand, and Quality Assurance. The California HealthCare Foundation.

[18] National Investment Conference. (1998). *National Survey of Assisted Living Residents: Who is the Customer?* Annapolis, MD: National Investment Conference.

[19] AARP (2003), op. cit. Of the total amount spent on nursing home care in 1996, a third was paid by private sources, 44 percent by Medicaid, and the remainder by Medicare. Agency for Health Care Quality and Research (AHRQ). (1996). *Medical Expenditure Panel Survey.* Rockville, MD: AHRQ.

[20] National Research Council (2003), op. cit. , Chapter 3.

[21] Pillemer, K., & Bachman-Prehn, R. (1991). Helping and Hurting: Predictors of maltreatment of patients in nursing homes. *Research on Aging, 13*(1), 74-95; Pillemer, K., & Moore, D. (1989). Abuse of patients in nursing homes: Findings from a survey of staff. *The Gerontologist, 29*(3), 314-320; and Pillemer, K., & Moore, D. (1990). Highlights from a study of abuse of patients in nursing homes. *Journal of Elder Abuse & Neglect, 2*(1/2), 5-29.

[22] Wolf, R.S. (2000). Risk assessment instruments. Special research review section. *National Center on Elder Abuse Newsletter (September).* Retrieved March 23, 2004, from http://www.elderabusecenter.org/research/risk.html

[23] Nerenberg, L. (1999). *Forgotten victims of elder financial crime and abuse: A report and recommendations.* Washington, DC: National Center on Elder Abuse; and Wolf (2000), op. cit.

[24] National Committee for the Prevention of Elder Abuse (NCPEA). (2001, July [a]). *Elder abuse: What is elder abuse?* Retrieved March 23, 2004, from http://www.preventelderabuse.org/elderabuse/elderabuse.html

[25] Wolf (2000), op. cit.; and Hudson, M.F. (1991). Elder mistreatment: Taxonomy with definitions by Delphi. *Journal of Elder Abuse & Neglect, 3*(2), 1-20.

[26] Wolf (2000), op. cit.

[27] Sanchez, Y.M. (1996). Distinguishing cultural expectations in assessment of financial exploitation. *Journal of Elder Abuse & Neglect, 8*(2), 49-59; Moon, A. (2000). Perceptions of elder abuse among various cultural groups: similarities and differences. *Generations, Summer,* 75-80; and Wolf (2000), op. cit.

[28] NCEA. (2001). *The basics: What is elder abuse? What are the major types of elder abuse?* Retrieved March 24, 2004, from http://www.elderabusecenter.org/basic/

[29] NCEA (1998), op. cit.

[30] Hafemeister (2003), op. cit.

[31] Ibid

[32] NCEA (1998), op. cit.

[33] Ibid

[34] Ibid

[35] Choi & Mayer (2000), op. cit.; Dessin, C.L. (2000). Financial abuse of the elderly. *Idaho Law Review, 36*, 203-226; Kleinschmidt, K.C. (1997). Elder abuse: A review. *Annals of Emergency Medicine, 30*, 463-472; and Moskowitz, S. (1998). Saving Granny from the Wolf: Elder Abuse and Neglect—The Legal Framework. Connecticut Law Review, 31, 71-201.

[36] NCEA (1998), op. cit.

[37] Acierno, R. (2002). Elder mistreatment: Epidemiological assessment methodology. In National Research Council (2003), op. cit., 261-302; Otto, J.A., & Quinn, K. (2004). *The National Elder Abuse Incidence Study: An evaluation by the National Association of Adult Protective Services Administrator [NAAPSA]* (Unpublished report); Comijs, H.C., Dijkstra, W., Bouter, L.M., & Smit, J.H. (2000). The quality of data collection by an interview on the prevalence of elder mistreatment. *Journal of Elder Abuse & Neglect, 12*(1), 57-72; and Thomas, C. (2000). The first National Study of Elder Abuse and Neglect: Contrast with results from other studies. *Journal of Elder Abuse & Neglect, 12*(1), 1-14.

[38] NCEA (1998), op. cit.; National Research Council (2003), op. cit.

[39] National Research Council (2003), op. cit..

[40] Ibid, 2-7.

[41] Ibid, 2.

[42] Wilber, K.H. (1990). Material abuse of the elderly: When is guardianship a solution? *Journal of Elder Abuse & Neglect, 2*, 89-105.

[43] National Committee for the Prevention of Elder Abuse (NCPEA). (2001, July [a]). op. cit.

[44] Blunt, A. (1993). Financial exploitation of the incapacitated: Investigation and remedies. *Journal of Elder Abuse & Neglect, 5*(1), 19-32.

[45] Quinn, M.J., & Tomita, S.K. (1997). *Elder abuse and neglect. Causes, diagnosis, and intervention strategies.* Second edition. New York, NY: Springer Publishers, Inc.

[46] Blunt (1993), op. cit.

[47] Blunt (1993), op. cit.; Quinn & Tomita, op. cit.

[48] K. Wilber, personal communication, June 10, 2003.

[49] Blunt (1993), op. cit.; Quinn & Tomita, op. cit.

[50] Hafemeister, (2003), op. cit.; Nerenberg (1999), op. cit.

[51] National Committee for the Prevention of Elder Abuse (NCPEA). (2001, July[b]). *Elder abuse: Financial abuse.* Retrieved March 26, 2004, from http://www.preventelderabuse.org/elderabuse/fin_abuse.html; Langan, J., & Means, R. (1996). Financial management and elderly people with dementia in the U.K. As much a question of confusion as abuse. *Ageing & Society, 16*, 287-314; and Rush, R.L., & Lank, R.J. (2000). *How to thwart financial fraud of elderly clients.* Retrieved March 27, 2004, from http://www.guardianwatch.org/victories.html

[52] Choi, N.G., Kulick, D.B., & Mayer, H.J. (1999). Financial exploitation of elders: Analysis of risk factors based on county Adult Protective Services data. *Journal of Elder Abuse & Neglect, 10*(3/4), 39-62; and Tueth, M.J. (2000), op. cit.

[53] Hafemeister (2003), op. cit., 385.

[54] Department of Law [DOL]. (2000, September 21). Financial abuse of elder targeted: Bank employees to receive training to combat exploitation. (Press release). Retrieved March 30, 2004, from http://www.oag.state.ny.us/press/2000/sep/sep21b_00.html

[55] National Research Council (2003), op. cit.

[56] NCEA (1998), op. cit.

[57] Neal, A.V., Hwalek, M.A., Goodrich, C.S., & Quinn, K.M. (1996). The Illinois Elder Abuse System: Program Description and Administrative Findings. The Gerontologist, Vol. 36(4), 502-511.

[58] Dessin, op. cit.

[59] Wilber & Reynolds, op. cit.

[60] Blum, Bennet, personal communication, September 14, 2003.

[61] Dessin, op. cit.

[62] Blum, Bennet, personal communication, September 14, 2003.

[63] Quinn & Tomita, op. cit.

[64] Ibid

[65] NCEA (1998), op. cit.

[66] Ibid

[67] Otto & Quinn (2004), op. cit.; K. Wilbur, personal communication, June 10, 2003; and C. Heisler, personal communication, June 12, 2003.

[68] Neal et al, op. cit.

[69] Dessin, op. cit.

[70] Wilber & Reynolds, op. cit.

[71] Moon, op. cit.

[72] Chang, J., & Moon, A. (1997). Korean American Elderly's Knowledge and Perceptions of Elder Abuse: A Qualitative Analysis of Cultural Factors. Journal of Multicultural Social Work, 6(121-2), 39-55.

[73] Tatara, T. (Ed). (1999). Understanding Elder Abuse in Minority Populations. Philadelphia, PA: Brunner/Mazel.

[74] Quinn & Tomita, op. cit.

[75] Choi et al (1999), op. cit.

[76] Ibid

[77] C. Heisler, personal communication, June 12, 2003.

[78] Wolf (2000), op. cit.

[79] Pillemer, K., & Prescott, D. (1989). Psychological Effects of Elder Abuse: A Research Note. Journal of Elder Abuse & Neglect, 1(1), 65-74.

[80] Comijs, H.C., Penninx, B.W.J.H., Knipscheer, K.P.M., & van Tiburg, W. (1999). Psychological Distress in Victims of Elder Mistreatment: The Effects of Social Support and Coping. Journal of Gerontology, 54B(4), P240-P245.

[81] Wolf (2000), op. cit.

[82] Ibid

[83] Lachs, M.S., Williams, C.S., O'Brien, S., Pillemer, K.A., & Charison, M.E. (1998). Journal of the American Medical Association, 280(5), 428-432.

[84] Hyman, David (personal communication, June 15, 2003).

[85] Wolf (2000), op. cit.

Section II

[86] Schiamberg, L.B., & Gans, D. (2000). Elder Abuse by Adult Children: An Applied Ecological Framework for Understanding Contextual Risk Factors and the Intergenerational Character of Quality of Life. International Journal of Aging and Human Development, 50(4), 329-359.

[87] Bronenbrenner, U. (1979). The Ecology of Human Development: Experiments by nature and Design. Cambridge, MA: Harvard University Press.

[88] National Research Council (2003), op. cit.

[89] Ibid

[90] Ibid

[91] Sanchez, op. cit.

[92] Schiamberg, op. cit.

[93] National Research Council (2003), op. cit.

[94] Ibid

[95] NCEA (1998), op. cit.

[96] Tueth, M.J. (2000), op. cit.

[97] Choi & Mayer (2000), op. cit.

[98] National Research Council (2003), op. cit.

[99] Thomas, op. cit.

[100] NCEA (1998), op. cit.

[101] Ibid

[102] Ibid

[103] National Research Council (2003), op. cit.

[104] Hafemeister (2003), op. cit.

[105] Dessin, op. cit.

[106] Ibid

[107] Hafemeister (2003), op. cit.

[108] Choi, Kulick, & Mayer, op. cit.

[109] Choi & Mayer (2000), op. cit.

[110] U.S. Senate Special Committee on Aging. (2000). Elder Fraud and Abuse: New Challenges in the Digital Economy. One-hundred-sixth Congress. Second Session. Serial No. 106-24. Washington, DC: U.S. Government Printing Office.

[111] Choi, Kulick, & Mayer(1999), op. cit.

[112] Hafemeister (2003), op. cit.

[113] Tueth, M.J. (2000), op. cit.

[114] Choi & Mayer (2000), op. cit.

[115] Wilber & Reynolds, op. cit.

[116] Quinn, M.J. (2000), op. cit.

[117] U.S. Senate Special Committee on Aging (2002, May 20), op. cit.

[118] Choi, Kulick, & Mayer(1999), op. cit.

[119] Hafemeister (2003), op. cit.

[120] Wilber & Reynolds, op. cit.

[121] Ibid

[122] Wilber & Reynolds, op. cit.

[123] Hafemeister (2003), op. cit.

[124] Choi, Kulick, & Mayer(1999), op. cit.

[125] Tueth, M.J. (2000), op. cit.

[126] Dessin, op. cit.

[127] Choi, Kulick, & Mayer(1999), op. cit.

[128] Hafemeister (2003), op. cit.

[129] Dessin, op. cit.

[130] Ibid

[131] Ibid

[132] Ibid

[133] Quinn, M.J. (2000), op. cit.

[134] Hafemeister (2003), op. cit.

[135] Dessin, op. cit.

[136] Choi, Kulick, & Mayer, op. cit.

[137] U.S. Senate Special Committee on Aging (2002, May 20), op. cit.

[138] NCEA (1998), op. cit.

[139] Quinn, M.J. (2000), op. cit.

[140] Choi, Kulick, & Mayer, op. cit.

[141] Choi & Mayer (2000), op. cit.

[142] Tueth, M.J. (2000), op. cit.

[143] Ibid

[144] Ibid

[145] Choi, Kulick, & Mayer, op. cit.

[146] Wolf, R.S. (1995). Elder Abuse and Family Violence: Written Testimony before the U.S. Senate Special Committee on Aging. Society's Secret Shame: Elder Abuse and Family Violence. 104th Congress (series no. 104-3). Portland, ME: April 11, 1995. Washington, DC: U.S. Government Printing Office.

[147] Wilber & Reynolds, op. cit.

[148] Tatara, op. cit.

[149] Wilber & Reynolds, op. cit.

[150] Ibid

[151] Ibid

[152] Ibid

[153] Quinn, M.J. (2000), op. cit.

[154] Wilber & Reynolds, op. cit.

[155] Hafemeister (2003), op. cit.

[156] Ibid

[157] Quinn, M.J. (2000), op. cit.

[158] Ibid

[159] Wilber & Reynolds, op. cit.

[160] Ibid

[161] Ibid

[162] Ibid

[163] Ibid

[164] Ibid

[165] Ibid

[166] Quinn, M.J. (2000), op. cit.

[167] Wilber & Reynolds, op. cit.

[168] Ibid

[169] Ibid

[170] Ibid

[171] Blum, B., & Feledy, T., (2003). Undue Influence Worksheet. Newport Beach, CA: Park Dietz & Associates.

[172] Ibid

[173] Ibid

[174] Blum, B. (1999). Testimony to the Senate Committee on Commerce, Science and Transportation. Hearing on Fraud: Targeting America's Seniors. Testimony provided on July 28th. Retrieved March 7, 2003, from http://wwwsenate.gov/commerce/hearings/0804blu.pdf .

[175] Ibid

[176] Ibid

[177] Ibid

[178] Blum & Feledy, op. cit.

[179] Heisler, Candace, personal communication, June 12, 2003.

[180] Blum & Feledy, op. cit.

[181] Rush & Lank, op. cit.

[182] Quinn, M.J. (2000), op. cit.

[183] Hafemeister (2003), op. cit.

[184] Choi, Kulick, & Mayer, op. cit.

[185] Tueth, M.J. (2000), op. cit.

[186] Nerenberg (1999), op. cit.

[187] Hafemeister (2003), op. cit.

[188] Dessin, op. cit.

[189] U.S. Senate Special Committee on Aging (2002, May 20), op. cit.

[190] Moskowitz, op. cit.

[191] Coker, J., & Little, B. (1997). Investing in the Future: Protecting the Elderly from Financial Abuse. FBI Law Enforcement Bulletin, 2, 1-5.

[192] Choi, Kulick, & Mayer, op. cit.

[193] Coker, op. cit.

[194] Deem, D.L. (2000). Notes from the Field: Observations in Working with the Forgotten Victims of Personal Financial Crimes. Journal of Elder Abuse & Neglect, 12(2), 33-48.

[195] Nerenberg, L. (2000). Forgotten Victims of Financial Crime and Abuse: Facing the Challenge. Journal of Elder Abuse & Neglect, 12(2), 49-72.

[196] Podnieks, E. (1992). National Survey on Abuse of the Elderly in Canada. Journal of Elder Abuse & Neglect, 4(1/2), 5-58.

[197] Wilber & Reynolds, op. cit.

[198] Ibid

[199] Ibid

[200] Ibid

[201] Blum, B. (1999). Testimony to the Senate Committee on Commerce, Science and Transportation. Hearing on Fraud: Targeting America's Seniors. Testimony provided on July 28th. Retrieved March 7, 2003, from http://wwwsenate.gov/commerce/hearings/0804blu.pdf .

[202] National Research Council (2003), op. cit.

[203] Ibid

[204] Ibid

[205] Hafemeister (2003), op. cit.

[206] Stiegel, L. (2002). Financial Abuse of the Elderly: Risk Factors, Screening Techniques, and Remedies. Bifocal, 23(4), 1, 2, 6-11.

[207] AARP (2001). AARP on the Issues: Elder Abuse. Retrieved March 10, 2003, from http://www.aarp.org/ontheissues/issueelderab.html .

[208] Hafemeister (2003), op. cit.

[209] Moskowitz, op. cit.

[210] Roby, J.L., & Sullivan, R. (2000). Adult protection service laws: A comparison of state statutes from definition to case closure. Journal of Elder Abuse & Neglect, 12(3/4), 17-51.

[211] Hafemeister (2003), op. cit.

[212] Bennett, Blum (personal communication, September 14, 2003).

[213] Stiegel (2002), op. cit.

[214] Ibid

[215] Roby & Sullivan, op. cit.

[216] Henningsen, E. (2001). Financial Abuse of the Elderly, Wisconsin Department of Health and Family Services—Programs and Services. Retrieved February 13, 2003, from http://www.dhfs.state.wi.us/aging/Age_News/N0111/finabus.htm .

[217] Moskowitz, op. cit.

[218] Roby & Sullivan, op. cit.

[219] Hafemeister (2003), op. cit.

[220] Roby & Sullivan, op. cit.

[221] Moskowitz, op. cit.

[222] Wilber, Kate (personal communication, June 10, 2003).

[223] Hafemeister (2003), op. cit.

[224] Roby & Sullivan, op. cit.

[225] Henningsen (2001), op. cit.

[226] Hafemeister (2003), op. cit.

[227] Moskowitz, op. cit.

[228] Tueth, M.J. (2000), op. cit.

[229] Choi & Mayer (2000), op. cit.

[230] Moskowitz, op. cit.

[231] NCEA (1998), op. cit.

[232] Roby & Sullivan, op. cit.

[233] Moskowitz, op. cit.

[234] Roby & Sullivan, op. cit.

[235] Tueth, M.J. (2000), op. cit.

[236] Hafemeister (2003), op. cit.

[237] Tueth, M.J. (2000), op. cit.

[238] Hwang, M.H. (1996). Durable Power of Attorney: Financial Planning Tool or License to Steal? Journal of Long-Term Home Health Care, 15(2), 13-23.

[239] Rosenblatt, D.E., Cho, K.H., & Durance, P.W. (1996). Reporting Mistreatment of Older Adults: The Role of Physicians. Journal of the American Geriatrics Society, 44(1), 65-70.

[240] Tueth, M.J. (2000), op. cit.

[241] Bennett, Blum (personal communication, September 14, 2003).

[242] Wolf (2000), op. cit.

[243] Beck, C.M., & Phillips, L.R. (1984). The Unseen Abuse: Why Financial Maltreatment of the Elderly Goes Unrecognized. Journal of Gerontological Nursing, 10(12), 26-30.

[244] Coker, op. cit.

[245] Moskowitz, op. cit.

[246] National Research Council (2003), op. cit.

[247] General Accounting Office [GAO] (1991). Elder Abuse: Effectiveness of Reporting Laws and Other Factors. Washington, D.C.: Government Printing Office (HRD-91-74).

[248] Moskowitz, op. cit.

[249] Podnieks, op. cit.

[250] Roby & Sullivan, op. cit.

[251] NCEA (1998), op. cit.

[252] Wilber & Reynolds, op. cit.

[253] Hwang, op. cit.

[254] Heisler, C.J. (2000). Elder abuse and the Criminal Justice System: New Awareness, New Responses. Generations, 24(2), 52-58.

[255] Nerenberg (1999), op. cit.

[256] Ibid

[257] Ibid

[258] Ibid

[259] Heisler, C.J. & Tewksbury, J.E. (1991). Fiduciary Abuse of the Elderly: A Prosecutor's Perspective. Journal of Elder Abuse & Neglect, 3(1), 23-40.

[260] Hafemeister (2003), op. cit.

[261] Ibid

[262] AARP (2001), op. cit.

[263] Hafemeister (2003), op. cit.

[264] Nerenberg (1999), op. cit.

[265] Moskowitz, op. cit.

[266] Nerenberg (1999), op. cit.

[267] Nerenberg (2000), op. cit.

[268] Ibid

[269] Hafemeister (2003), op. cit.

[270] Ibid

[271] Stiegel, L.A. (1995). Recommended Guidelines for State Courts Handling Cases Involving Elder Abuse. Washington, D.C.: American Bar Association.

[272] Nerenberg (1999), op. cit.

[273] Hafemeister (2003), op. cit.

[274] Dessin, op. cit.

[275] Quinn, M.J. (2000), op. cit.

[276] Nerenberg (1999), op. cit.

[277] Ibid

[278] Heisler, Candace (personal communication, September 9, 2003).

[279] Nerenberg (1999), op. cit.

[280] Quinn, M.J. (2000), op. cit.

[281] Blum & Feledy, op. cit.

[282] Bennett, Blum (personal communication, September 14, 2003).

[283] Hafemeister (2003), op. cit.

[284] Dessin, op. cit.

[285] Moskowitz, op. cit.

[286] Hafemeister (2003), op. cit.

[287] Hyman, David (personal communication, June 15, 2003).

[288] Nerenberg (1999), op. cit.

[289] Quinn & Tomita, op. cit.

[290] Ibid

[291] Ibid

[292] Hafemeister (2003), op. cit.

[293] Stiegel, Lori (personal communication, June 13, 2003).

[294] Quinn & Tomita, op. cit.

[295] Nerenberg (1999), op. cit.

[296] Nerenberg (2000), op. cit.

[297] Hafemeister (2003), op. cit.

[298] Ibid

[299] Hwang, op. cit.

[300] Hafemeister (2003), op. cit.

[301] Nerenberg (1999), op. cit.

[302] Ibid

[303] Henningsen, E.J. (2000). Preventing Financial Abuse by Agents Under Powers of Attorney. Wisconsin Lawyer, September, 25-28 & 77.

[304] Nerenberg (1999), op. cit.

[305] Wilber, Kate (personal communication, June 10, 2003).

[306] U.S. Senate Special Committee on Aging (2003, February). Guardianship Over the Elderly: Security Provided or Freedoms Denied? 108th Congress, First Session, Feb. 11th, Washington, DC.

[307] Nerenberg (1999), op. cit.

[308] Stiegel, Lori (personal communication, December 8, 2003).

[309] Nerenberg (1999), op. cit.

[310] Hafemeister (2003), op. cit.

[311] Stiegel (1995), op. cit.

[312] Heisler, C.J., & Quinn, M.J. (1995). A Legal Perspective. In Elder Mistreatment: Ethical Issues, Dilemmas and Decisions. T.F. Johnson, Ed. Birminghamton, NY: Hawthorne Press.

[313] Nerenberg (1999), op. cit.

[314] Nerenberg (2000), op. cit.

[315] Hafemeister (2003), op. cit.

[316] Heisler & Quinn, op. cit.

[317] Roby & Sullivan, op. cit.

[318] Nerenberg (1999), op. cit.

[319] Hafemeister (2003), op. cit.

[320] Nerenberg (1999), op. cit.

[321] Stiegel, Lori (personal communication, June 13, 2003).

[322] Nerenberg (1999), op. cit.

[323] Hafemeister (2003), op. cit.

[324] Ibid

[325] Ibid

[326] Sanchez, op. cit.

[327] Moon, op. cit.

[328] Tatara, op. cit.

[329] Hafemeister (2003), op. cit.

[330] Moon, op. cit.

[331] Ibid

[332] Ibid

[333] Nerenberg (1999), op. cit.

[334] Moon, op. cit.

[335] Tatara, op. cit.

[336] Sanchez, op. cit.

[337] Moon, op. cit.

[338] National Research Council (2003), op. cit.

[339] Hafemeister (2003), op. cit.

[340] Wilber & Reynolds, op. cit.

[341] Quinn, M.J. (2000), op. cit.

[342] Podnieks, op. cit.

[343] Hafemeister (2003), op. cit.

[344] Rabiner, D.J., Scheffler, S., Koetse, B., Palermo, J, Burt, S., & Hampton, L. (2002). The Role and Value of Senior Companions in Their Community. Long-Term Care Interface, March, 26-30.

[345] Hafemeister (2003), op. cit.

[346] Coker, op. cit.

[347] Podnieks, op. cit.

[348] Hafemeister (2003), op. cit.

[349] Hoban, S. (2000). Elder Abuse and Neglect: It Takes many Forms—If You're Not Looking, You May Miss it. American Journal of Nursing, 100(11), 49-50.

[350] Zimka, K., Colorado State University Cooperative Extension, Jefferson County (2001, May 9). Financial Exploitation of the Elderly. Retrieved January 27, 2003, from http://www.ext.colostate.edu/pubs/columncc/cc970710.html

[351] National Clearinghouse on Family Violence [NCFV], Health Canada (2001, July 9). Financial Abuse of Older Adults. Retrieved January 17, 2003, from http://www.hc-sc.gc.ca/hppb/familyviolence/html/financialaben.html

[352] Zimka, op. cit.

[353] Ibid

[354] Hwang, op. cit.

[355] Henningsen (2000), op. cit.

[356] NCFV, op. cit.

[357] Hafemeister (2003), op. cit.

[358] Henningsen (2000), op. cit.

[359] Hoban, op. cit.

[360] Stiegel (2002), op. cit.

[361] Henningsen (2000), op. cit.

[362] Hafemeister (2003), op. cit.

[363] Podnieks, op. cit.

[364] Henningsen (2000), op. cit.

[365] Moskowitz, op. cit.

[366] Stiegel (2002), op. cit.

[367] Ibid

[368] Ibid

[369] Ibid

[370] NCFV, op. cit.

[371] Hafemeister (2003), op. cit.

[372] Ibid

[373] Tueth, M.J. (2000), op. cit.

[374] Kleinschmidt, op. cit.

[375] Bernatz, S.I., Aziz, S.J. & Mosqueda, L. (2001). Financial Abuse. In M.D. Mezey (Editor-in-Chief), The Encyclopedia of Elder Care (pp. 264-267). New York: Springer Publishing, Co.

[376] Lavrisha, M. (1997). What Can Nurses do About Financial Exploitation of Elders? Journal of Gerontological Nursing, 23(7), 49-50.

[377] Tueth, M.J. (2000), op. cit.

[378] Kleinschmidt, op. cit.

[379] Lachs, M.S., & Pillemer, K. (1995). Current Concepts: Abuse and Neglect of Elderly Persons. The New England Journal of Medicine, 332(7), 437-443.

[380] Kleinschmidt, op. cit.

[381] Lavrisha, op. cit.

[382] Hafemeister (2003), op. cit.

[383] Bernatz, Aziz, & Mosqueda, op. cit.

[384] Tueth, M.J. (2000), op. cit.

[385] Kleinschmidt, op. cit.

[386] Amhad, M., & Lachs, M.S. (2002). Elder Abuse and Neglect: What Physicians Can and Should Do. Cleveland Clinic Journal of Medicine, 69(10), 801-808.

[387] Hwang, op. cit.

[388] Cutter, J.A. (1992). Doctors Urged to Watch for Elder Abuse. St. Petersburg Times, November 24, National Section, 1A.

[389] Dyer, C.B., Connolly, M.T., & McFeeley, P. (2003). The Clinical and Medical Forensics of Elder Abuse and Neglect. In National Research Council. Elder Mistreatment: Abuse, Neglect, and Exploitation in an Aging America. Panel to Review Risk and Prevalence of Elder Abuse and Neglect. R.J. Bonnie & R.B. Wallace, Eds (pp. 339-381). Committee on National Statistics, Division of Behavioral and Social Sciences and Education. Washington, DC: National Academies Press.

[390] Tueth, M.J. (2000), op. cit.

[391] Kleinschmidt, op. cit.

[392] Fulmer, T.T. & Cahill, V.M. (1984). Assessing Elder Abuse: A Study. Journal of Gerontological Nursing, 10(12), 156-20.

[393] Fulmer, T., McMahon, D.J., Baer-Hines, M., & Forget, B. (1992). Abuse, Neglect, Abandonment, Violence and Exploitation: An Analysis of All Elderly Patients Seen in One Emergency Department During a Six-Month Period. Journal of Emergency Nursing, 18(6), 505-510.

[394] Kapp, M.A. (1005). Elder Mistreatment: Legal Interventions and Policy Uncertainties. Behavioral Sciences and the Law, 13, 365-380.

[395] Nerenberg (1999), op. cit.

[396] Henningsen (2000), op. cit.

[397] Hafemeister (2003), op. cit.

[398] Beauchamp, E.R. (2001). Chapter 565: One More Law to Reform Conservatorships and Guardianships: But is it Needed? McGeorge Law Review, 32, 647-699.

[399] Hafemeister (2003), op. cit.

[400] Beauchamp, op. cit.

[401] Heisler & Quinn, op. cit.

[402] Beauchamp, op. cit.

[403] Ibid

[404] Rush & Lank, op. cit.

[405] Friederichs, M. (2000). Domestic Financial Abuse of the Elderly. Community Liaison, 2000-02, 1-3.

[406] Commonwealth of Massachusetts (1995). The Bank Reporting Project: An Edge Against Elder Financial Exploitation. Employee Training Manual. First Edition. Boston, MA: Office of Elder Affairs, Office of the Attorney General, Office of Consumer Affairs and Business Regulation, and the Massachusetts Bankers Association.

[407] Commonwealth of Massachusetts, op. cit.

[408] Price, G. & Fox, C. (1997). The Massachusetts Bank Reporting Project: An Edge Against Financial Exploitation. Journal of Elder Abuse & Neglect, 8(4), 58-71.

[409] NCFV, op. cit.

[410] Commonwealth of Massachusetts, op. cit.

[411] Oregon Department of Human Resources, Senior & Disabled Services Division, and Oregon Bankers Association (1999). Preventing Elder Financial Exploitation: How Banks Can Help. Bank Employee Training Kit. Salem, OR: Oregon Department of Human Resources.

[412] Friederichs, op. cit.

[413] Commonwealth of Massachusetts, op. cit.

[414] Oregon Department of Human Resources, Senior & Disabled Services Division, and Oregon Bankers Association, op. cit.

[415] Sacks, D. (1998). Daily Money Management: A "How-To" Manual for Care Management Agencies. New York, New York: Brookdale Center on Aging, Jacob Reingold Institute, Samuel Sadin Institute on Law.

[416] Hafemeister (2003), op. cit.

[417] Toms, C. (2001, July 17). Model Advance Directive Combats Financial Abuse. Retrieved February 20, 2003, from http://www.asaging.org/at/at-201/model.htm

[418] Choi, Kulick, & Mayer, op. cit.

[419] Toms, op. cit.

[420] Hafemeister (2003), op. cit.

[421] Sacks, op. cit.

[422] Bassuk, K. (2001). Financial Abuse. In M.D. Mezey (Editor-in-Chief), The Encyclopedia of Elder Care (pp. 434-436). New York: Springer Publishing Co.

[423] Nerenberg, L. (2003, June). Daily Money Management Programs: A Protection Against Elder Abuse. San Francisco: Institute on Aging (formerly Goldman Institute on Aging).

[424] Bassuk, op. cit.

Section III

[425] U.S. Senate Special Committee on Aging (2002, May 20), op. cit.; and NCEA (1998), op. cit.

[426] Choi et al (1999), op. cit.

[427] Wolf (1995), op. cit.

[428] Hafemeister (2003), op. cit.; and Dessin, op. cit.

[429] Dessin, op. cit.

[430] Ibid

[431] Ibid

[432] U.S. Senate Special Committee on Aging (2002, May 20), op. cit.

[433] Nerenberg (1999), op. cit., 14.

[434] Hafemeister (2003), op. cit., 425.

[435] Quinn, M.J. (2000). op. cit.

[436] Dessin, op. cit.

[437] Sanchez, op. cit.; Moon, op. cit.; Dessin, op. cit.; Nerenberg (1999), op. cit.

[438] Stiegel (1995), op. cit.; Nerenberg (1999), op. cit.; and Hafemeister (2003), op. cit.

[439] Dessin, op. cit.; Nerenberg (2000), op. cit.; Hafemeister (2003), op. cit.

[440] Dessin, op. cit.; C. Reyes, personal communication, September 23, 2003; R. Thomas, personal communication, December 18, 2003.

[441] Nerenberg (1999), op. cit.; C. Reyes, personal communication, September 23, 2003.

[442] Dessin, op. cit.; Quinn & Tomita, op. cit.; Nerenberg (1999), op. cit.; and B. Blum, personal communication, September 14, 2003.

[443] Stiegel (1995), op. cit., 5.

[444] Nerenberg (1999), op. cit., 4.

[445] Dessin, op. cit.; Stiegel (1995), op. cit.; Nerenberg (1999), op. cit.

[446] C. Reyes, personal communication, September 23, 2003; Nerenberg (1999), op. cit.; Stiegel (1995), op. cit.; Hafemeister (2003), op. cit.

[447] Nerenberg (1999), op. cit.; C. Reyes, personal communication, September 23, 2003.

[448] Stiegel (1995), op. cit.

[449] Nerenberg (1999), op. cit.; Stiegel (1995), op. cit.

[450] Nerenberg (1999), op. cit., 31.

[451] Ibid

[452] Nerenberg (1999), op. cit.; Tatara, op. cit.; Moon, op. cit.

[453] Nerenberg (1999), op. cit.; Sanchez, op. cit.; Moon, op. cit.; and Tatara, op. cit.

[454] Moon, op. cit.; Tatara, op. cit.; and Sanchez, op. cit.

[455] C. Reyes, personal communication, September 23, 2003.

[456] Nerenberg (1999), op. cit.; Moon, op. cit.; and Tatara, op. cit.

[457] Sanchez, op. cit.; Moon, op. cit.

[458] Otto & Quinn (2004), op. cit.

[459] National Research Council (2003), op. cit.

[460] National Research Council (2003), op. cit. 34-25.

[461] Hamp, L.F. (2002). Analysis of elder abuse and neglect definitions under state law. In National Research Council. Elder Mistreatment: Abuse, Neglect, and Exploitation in an Aging America. Panel to Review Risk and Prevalence of Elder Abuse and Neglect. R.J. Bonnie & R.B. Wallace, Eds (pp. 339-381). Committee on National Statistics, Division of Behavioral and Social Sciences and Education. Washington, DC: National Academies Press.

[462] Ibid, 224.

[463] K. Quinn, personal communication, July 31, 2003.

[464] K. Quinn, personal communication, July 30, 2003; Moskowitz, op. cit. Roby, J. L., & Sullivan, R. (2000). Adult protection service laws: A comparison of state statutes from definition to case closure. *Journal of Elder Abuse & Neglect*, 12(3/4), 17-51; Hafemeister (2003), op. cit.

[465] Choi et al (1999), op. cit.; Tueth, M.J. (2000), op. cit.; and Dessin, op. cit.

[466] Tueth, M.J. (2000), op. cit.

[467] Ibid

[468] Ibid

[469] K. Quinn, personal communication, July 30, 2003; C. Reyes, personal communication, September 23, 2003.

[470] Nerenberg (1999), op. cit.

[471] Stiegel, L. (2002). Financial abuse of the elderly: Risk factors, screening techniques, and remedies. *Bifocal, 23*(4), 1,2,6-11; Nerenberg (1999), op. cit.; and C. Reyes, personal communication, September 23, 2003.

[472] Hafemeister, op. cit., Kleinschmidt, op. cit., and Bernatz et al, op. cit.

[473] Nerenberg (1999), op. cit., 13.

[474] Nerenberg (1999), op. cit.

[475] Hafemeister (2003), op. cit.; and Nerenberg, L. (2000). Forgotten victims of financial crime and abuse: Facing the challenge. *Journal of Elder Abuse & Neglect, 12*(2), 48-72.

[476] Hwang, op. cit.; Nerenberg (1999, 2000), op. cit.; and Hafemeister (2003), op. cit.

[477] Hafemeister (2003), op. cit.

[478] Hafemeister (2003), op. cit.; Hwang, op. cit.

[479] Nerenberg (1999), op. cit.

[480] Ibid, 14.

[481] Nerenberg (1999), op. cit.; L. Stiegel, personal communication, December 8, 2003,

[482] Nerenberg (1999), op. cit., 15.

[483] Hafemeister (2003), op. cit.; Nerenberg (1999), op. cit.

[484] Hafemeister (2003), op. cit.; and Heisler, C.J., & Quinn, M.J. (1995). op. cit.

[485] Hafemeister (2003), op. cit.; Nerenberg (1999, 2000), op. cit.

[486] Hafemeister (2003), op. cit.; Dessin, op. cit.; Moskowitz, S. (1998), op. cit.

[487] Hafemeister (2003), op. cit.

[488] Moskowitz, S. (1998), op. cit.

[489] Hafemeister (2003), op. cit.

[490] Nerenberg (1999, 2000), op. cit.

[491] Moskowitz, S. (1998), op. cit.; Nerenberg (1999), op. cit.

[492] Nerenberg (2000), op. cit.

[493] Nerenberg (1999), op. cit.; Moskowitz, S. (1998), op. cit.

[494] Nerenberg (1999), op. cit., 17.

[495] Ibid

[496] Quinn & Tomita, op. cit.

[497] NCEA (1998), op. cit.

[498] Wilber & Reynolds (1996), op. cit.

[499] Hwang, op. cit.; and Stiegel (1995), op. cit.

[500] Nerenberg (1999, 2000), op. cit.; Deem, op. cit.; Dessin, op. cit.; Hafemeister (2003), op. cit.; D. Sachs, personal communication, September 9, 2003; J. Otto, personal communication, September 9, 2003.

[501] Nerenberg (1999, 2000), op. cit.

[502] P. Greenwood, personal communication, January 23, 2003; R. Thomas, personal communication, December 18, 2003; Nerenberg (1999), op. cit.

[503] Dessin, op. cit.

[504] Nerenberg (1999), op. cit.; Hafemeister (2003), op. cit.

[505] Hafemeister(2003), op. cit.; Nerenberg (2000), op. cit.; Stiegel (1995), op. cit.; Heisler (2000), op. cit.; Nerenberg (1999, 2000), op. cit.

[506] Nerenberg (2000), op. cit.

[507] Coker, op. cit.

[508] Heisler (2000), op. cit.

[509] Stiegel (1995), op. cit.

[510] Heisler, C.J. (2000), op. cit.

[511] Nerenberg (2000), op. cit.

[512] Nerenberg (1999, 2000), op. cit.; Stiegel (1995), op. cit.

[513] Dessin, op. cit.

[514] Nerenberg (2000), op. cit.

[515] Ibid

[516] Hafemeister (2003), op. cit.; Nerenberg (1999), op. cit.

[517] Deem, D.L. (2000), op. cit.

[518] Nerenberg (1999, 2000), op. cit.; Stiegel (1995), op. cit.

[519] C. Heisler, personal communication, June 12, 2003.

[520] Heisler, C.J. (2000), op. cit.

[521] Hafemeister(2003), op. cit.

[522] AARP (2001), op. cit.; Hafemeister (2003), op. cit.

[523] Roby, J.L., & Sullivan, R. (2000), op. cit.

[524] Hafemeister (2003), op. cit.

[525] Nerenberg (1999), op. cit.

[526] Ibid

[527] Ibid

[528] Stiegel, L. (2002), op. cit., 9.

[529] Nerenberg (1999), op. cit.

Section IV

[530] Dessin, op. cit.; C. Reyes, personal communication, September 23, 2003; R. Thomas, personal communication, December 18, 2003; Quinn & Tomita, op. cit.; Nerenberg (1999), op. cit.; and B. Blum, personal communication, September 14, 2003.

[531] Nerenberg (1999), op. cit.; C. Reyes, personal communication, September 23, 2003.

[532] Henningsen (2000), op. cit.

[533] Ibid

[534] Nerenberg (1999, 2000), op. cit.

[535] Nerenberg (1999, 2000), op. cit.; Deem, D.L. (2000), op. cit.; Dessin, op. cit.; Hafemeister, T.L. (2002); D. Sachs, personal communication, September 9, 2003; J. Otto, personal communication, September 9, 2003; P. Greenwood, personal communication, January 23, 2003; R. Thomas, personal communication, December 18, 2003.

[536] Deem, D.L. (2000), op. cit.

[537] Nerenberg (1999, 2000), op. cit.; Stiegel (1995), op. cit.

[538] Hafemeister(2003), op. cit.

[539] Nerenberg (1999), op. cit.

[540] Stiegel, L. (2002), op. cit., 9.

[541] Ibid

Appendix A

[542] National Center on Elder Abuse [NCEA] (2003a). Welcome to the National Center on Elder Abuse Web site: www.elderabusecenter.org; National Health Information Center [NHIC] (2002, April 30). National Information Resource Database: www.health.gov/NHIC/NHICScripts/Entry.cfm?HRCode=HR2395; National Association of State Units on Aging (2003). Welcome. www.nasua.org/elder_abuse1.htm.

[543] Administration on Aging (1998, September). The National Elder Abuse Incidence Study; Final Report September 1998: www.aoa.gov/abuse/report/ .

[544] Administration on Aging (2003). Accomplishments: State Elder Abuse Prevention Program: www.aoa.gov/abuse/ea96-97.html; L. Toms Barker (personal communication, November 26, 2002).

[545] Office of Justice Programs (2001, April 19). Victims of Crime Act Victim Assistance Grant Program: www.ojp.gov/ovc/welcovc/scad/guides/vaguide.htm; Office of Justice Programs (2002, December 2). 2002 National Victims Assistance Academy Chapter 14 Victimization of the Elderly: www.ojp.gov/ovc//assist/nvaa2002/chapter14.html.

[546] American Bar Association (2003). Commission on Law and Aging: www.abanet.org/aging

[547] American Medical Association (1992, October). Diagnostic and Treatment Guidelines on Elder Abuse and Neglect.: www.amaassn.org/ama1/pub/upload/mm/386/elderabuse.pdf; American Medical Association (2003, February 21). Violence Prevention: www.ama-assn.org/ama/pub/category/3242.html

[548] Sacks, 1998.

[549] J. Marlatt Otto (personal communication, April 3, 2003).

[550] National Association of Retired Senior Volunteer Program Directors (2003): www.narsvpd.com/index.html; Humane Society of the United States (2003). First Strike: www.hsus.org/ace/15828; National Center on Elder Abuse [NCAE] (2003b). Community Sentinels Against Elder Abuse: www.elderabusecenter.org/default.cfm?p=sentinels.cfm; National Center on Elder Abuse [NCAE] (2003c). Community Sentinels: Reaching Hidden Victims. NCEA Newsletter February 2003.

[551] Judith Cohart (personal communication with attachments from AARP, September 10, 2003); AARP (2002). Money Management Program Fact Sheet: www.aarpmmp.org/.

[552] NCEA (2003a), op. cit.; NHIC, op. cit.; J. Marlatt Otto (personal communication, April 3, 2003); Arkansas Adult Protective Services (2003). How Adult Protective Services Evolved: www.aradultprotection.com/Evolved.htm; Administration for Children and Families (2003). Adult Protective Services: www2.acf.hhs.gov/programs/ocs/ssbg/docs/apsfocus00.htm.

[553] U.S. Department of Justice. Office of Special Programs. (2000). Our Aging Population: Promoting Empowerment, Preventing Victimization, and Implementing Coordinate Interventions. A Report of Proceedings: www.ojp.gov/docs/ncj_186256.pdf; David Fenton (expert interview, February 10, 2003); National Sheriff's Association (2002, July 12). The National Association of Triads, Inc.: www.sheriffs.org/defaults/defaults_s_triad.htm.

[554] Roger Coventry (personal communication, March 31, 2003); National Center on Elder Abuse [NCEA] (2003d). NCEA Newsletter March, 2003: www.elderabusecenter.org/pdf/newsletter/newsletter-030325.pdf.

[555] Arizona Attorney General (2003). Senior Citizens: www.attorney_general.state.az.us/seniors/; Archstone Foundation (1996). Silent Suffering: Elder Abuse in America. Conference Proceedings: www.archstone.org/usr_doc/silent_suffering.pdf.

[556] California Community Partnership for the Prevention of Financial Abuse (2002). Be Wise Preventing Fraud and Financial Abuse in Your Community: www.bewiseonline.org/index.shtml; Hughes, S. (2003). Can Bank Tellers Tell?—Legal Issues Relating to Banks Reporting Financial Abuse of the Elderly. American Bar Association.

[557] Central California Legal Services (2003a). Notebook prepared for Elder Abuse Prevention Conference. Fresno, CA, May 1, 2003; Central California Legal Services (2003b). Welcome: www.las.org.

[558] Elder Abuse Forensic Center (2003). Elder Abuse Forensic Center: www.elderabuseforensiccenter.com/index.cfm?fuseaction=home; Adult Abuse Review (2003, March). Two New, Innovative Services Announced. Adult Abuse Review, 2(3), 3; National Center on Elder Abuse [NCEA] (2003e). "Creating a New Standard" Goal of Nation's first Elder Abuse Forensic Center. NCEA Newsletter June, 2003.

[559] Elder Abuse Prevention (n.d.). Financial Abuse of Seniors. Program Manual. Richmond, CA: Elder Abuse Prevention.

[560] San Diego County District Attorney (2003). Elder Abuse Prosecution Team: www.daoffice.signonsandiego.com/1.html; Paul Greenwood (expert interview, January 23, 2003); Candice Heisler (personal communication, June 13, 2003).

[561] San Diego County District Attorney, op. cit.; Paul Greenwood (expert interview, January 23, 2003); Candice Heisler (personal communication, June 13, 2003); SafeState (2003). Elder Abuse: www.safestate.org.

[562] Reyes, C., Elder Financial Protective Services (personal communication, January 8, 2003a). Reyes, C., Elder Financial Protective Services (interview, September 23, 2003b); U.S. DOJ, op. cit., Central California Legal Services (2003a). Notebook prepared for Elder Abuse Prevention Conference. Fresno, CA, May 1, 2003.

[563] National Committee for the Prevention of Elder Abuse (2003). Guidelines for Establishing and Coordinating at Fiduciary Abuse Specialist Team.: www.preventelderabuse.org/communities/fast.html; U.S. DOJ, op. cit.; Susan Aziz (expert interview, February 5, 2003); Wise Senior Services, Los Angeles County Area Agency on Aging. (2001). Financial Abuse Specialist Team Information. Santa Monica, California.

[564] U.S. DOJ, op. cit.; Velasco, J. (2000). Ventura County District Attorney's Senior Crime Prevention Program. Journal of Elder Abuse and Neglect, 12(2), 103-106.

[565] Nerenberg (1999), op. cit.; Quinn & Tomita, op. cit.

[566] Riverside County Credit Union (2003). Kathy Roney of Reverside County's Credit Union Recognized as C.A.R.E. Team Leader: www.rddu.org/press/press_p.html; Aging Solutions, Inc. (2003). Elder Care and Advocacy Services: www.eldercarehelp.com/aboutus.htm.; National Center on Elder Abuse [NCAE] (2003f). Vulnerable Adult Abuse Prevention Team in California Wins Award. NCAE Newsletter April-May, 2003.

[567] Institute on Aging (2003). Elder Abuse Prevention: www.gioa.org/programs/eap/eap.html; National Center on Elder Abuse [NCEA] (2003g). Community Coalitions: www.elderabusecenter.org/commu.index.html .

568 Santa Clara County—Office of the County Counsel (2003). F.A.S.T.—Financial Abuse Specialist Team: http://claraweb.co.santa-clara.ca.us/countycounsel/special_projects/FAST.htm; The County of Santa Clara (2003). Financial Abuse Specialist Team. Retrieved July 1, 2003 from http://sccgov.org/channel/0,4770,chid%3D15707%26sid%3D11595,00.html; New California Media (2003). Twisted Twilight—Elder Abuse in the API Community: www.ncmonline.com/content/ncm/2001/May/0507elderly.html; Honda, M., U.S. Representative (2002, November 26). Press Release—County's Financial Abuse Specialist Team Cited as National Model for Financial Elder Abuse Prevention: http://www.sccgov.org/scc/assets/docs/183159FAST%20National%20Model%20Press%20Release.pdf.

569 National Center on Elder Abuse [NCEA] (2003h). Daily Money Management Programs A Protection Against Elder Abuse. NCEA, June, 2003.

570 Alfonso, H. (2000). Mortgage Fraud Prevention Program: Volunteer Legal Services Program of the Bar Association of San Francisco. Journal of Elder Abuse and Neglect, 12(2), 75-78.; Volunteer Legal Services Program: www.sfbar.org/vlsp/general.html .

571 University of California, Irvine (April 8, 2003). UCI Program in Geriatrics: www.ucihs.uci.edu/com/geriatrics/; Archstone Foundation (2003). Archstone Grants University of California Irvine. Retrieved March 31, 2003, from http://www.archstone.org/grants_info2340/grants_info_show.htm?doc_id=154215; Heath, J.M., Dyer, C.B., Kerzner, L.J., Mosqueda, L., & Murphy, C. (2002). Four Models of Medical Education about Elder Mistreatment. Academic Medicine, 77(11), 1101-1106; Laura Mosqueda (expert interview, March 11, 2003).

572 AARP (2003), op. cit.; AARP Elderwatch (2001, September). Newsletter: www.ago.state.co.us/CONSPROT/elderwatch.pdf; AARP Elderwatch (2003). Stop Financial Elder Abuse in Colorado: www.aarpelderwatch.org; Telesynthesis, Inc., 2003; Lisa Curtis (expert interview, January 31, 2003a).

573 Denver, CO, District Attorney (2001). CASE Partnership: www.denverda.org/html_website/denver_da/CASE%20Home.html; Lisa Curtis (expert interview, January 31, 2003a); Curtis, L., Draft Project Assessment Report, received August 28, 2003; McKenna, J, & Miller, J. (2003, September). An Evaluation of the Clergy Against Senior Exploitation (CASE) Fraud Prevention Education Program. Colorado State University Cooperative Extension, Fort Collins, CO.

574 Colorado General Assembly (2002a, April 30). An Overview of the Colorado Adult Criminal Justice System: www.state.co.us/gov_dir/leg_dir/lcsstaff/research/01CriminalCorrections.htm; Colorado General Assembly (2002b, April 30). Chapter 13—Victim Programs: www.state.co.us/gov_dir/leg_dir/lcsstaff/2001/comsched/CriminalReport/01CRIMChapt13.PDF; Office of the State Court Administrator (2000, September). Colorado Restitution Statutes Quick Reference. Denver, CO: Office of the State Court Administrator.

575 Jewish Care Network (2000). Connecting Seniors with Quality Care: www.elderlyjcn.org; Jewish Federation of Greater New Haven (2003). Elder Abuse of Neglect, Elder Law Attorneys: www.jewishnewhaven.org/resources_program_detail.epl?program_id=40 .

576 Delaware Attorney General (2003). Financial Abuse of the Elderly: www.state.de.us/attgen/publications/elderly.pdf; U.S. DOJ, op. cit.; Financial Abuse of the Elderly, 2003: www.state.de.us/attgen/publications/elderly.pdf; State of Delaware Department of Justice, 2003. Medicaid Fraud—Elderly Abuse and Financial Exploitation: http://www.state.de.us/attgen/fraud/medicaid/elderlyexploitation.htm; American Society on Aging, (2003). Innovative Programs Protect Elders: www.asaging.org/at/at-201/innovative.html.

577 U.S. DOJ, op. cit.

578 State of Florida Court System 13th Judicial Circuit (2002). Elder Justice Center: http://jud13.flcourts.org/ejc.htm; Preston Midgholl (expert interview, February 26, 2003).

579 Broward County Circuit Court—Probate Division, April, 2003. Retrieved April 18, 2003 from http://jud13www.17th.flcourts.org/probate_division.html; Brant Chvirko (personal communication, April 17, 2003).

[580] Western Interstate Commission for Higher Education (2003). Little Havana Activities and Nutrition Centers: www.wiche.edu/MentalHealth/ExemplaryPractices/lithavana.htm; University of South Florida, Florida Policy Exchange Center on Aging (2000, November 6). Position Paper on Senior Center Elderly Services from Ariela C. Rodriguez, Ph.D., LCSW: www.fpeca.usf.edu/Task%20Force/Public%20Recommendations/recommendationsrecieved/Task1/lhanc.pdf.

[581] National Center on Elder Abuse [NCEA] (2003i). Promising Practices—Idaho—Guardianship Monitoring Program: www.elderabusecenter.org/default.cfm?p=promisingpracticesdetail.cfm&vppid=67; Dede Shelton (personal communication, July 1, 2003).

[582] Illinois Department on Aging (2003). Preventing Financial Exploitation: www.state.il.us/aging/1abuselegal/abuse_financial.htm; Bankers and Seniors Against Fraud and Exploitation (2003). Home Page: www.il-bsafe.org; Illinois Bankers Association (2003). Bankers and Seniors Against Financial Exploitation: www.ilbanker.com/BSafe.htm; Kathleen Quinn (expert interview, February 5, 2003).

[583] Neale et al., 1996; Illinois Department on Aging (2003). After an Abuse Report is Made: www.state.il.us/aging/1abuselegal/abuse_after-report.htm.

[584] State's Attorney, Cook County Illinois (2003). Overview of the Seniors and Persons with Disabilities Division: www.statesattorney.org/aweb/senior.htm.

[585] Prosecuting Attorney, Clark County Indiana (2003, January 1). Office of the Clark County Prosecuting Attorney: www.clarkprosecutor.org/index.htm.

[586] U.S. DOJ, op. cit.

[587] National Center on Elder Abuse [NCEA] (2003j). Promising Practices—Maine—Elder Abuse Institute of Maine: www.elderabusecenter.org/default.cfm?p=promisingpracticesdetail.cfm&vppid=75; Debbie DiDonimicus (personal communication, June 30, 2003).

[588] Office of the Maine Attorney General (2003). Elder Issues > Financial Exploitation: www.state.me.us/ag/elderissues/financial.html; ESO Newswire. Bath Police Officer Daniel Couture Named ESO of the Year. Summer, 2002: www.maine.gov/ag/elderissues/summer02newswire.pdf.

[589] Legal Services for the Elderly (2003 March 26). Maine's Legal Services for the Elderly: www.mainelse.org; City of Portland, Maine (2003). Elder Services of Portland: www.ci.portland.me.us/esplist.asp?codeid=EAS

[590] Price, G., & Fox, C. (1997). The Massachusetts Bank Reporting Project: An Edge Against Financial Exploitation. Journal of Elder Abuse and Neglect, 8(4), 58-71.; Hughes, op. cit.

[591] Giuliano, G. (personal communication, December 10, 2002)..

[592] Michigan State Unit on Aging (2002, October). Association on Aging Report: Michigan Elder Abuse Initiatives, submitted to the Administration on Aging.; Spranger, D., Rainbow Connections (personal communication, January 10, 2003).

[593] Ann Walters (personal communication, July 3 and 16, 2003).

[594] Council of State Governments (1996, November). State Innovations Briefs: http://stars.csg.org/innovations_awards/1996_new_jersey.pdf; Administrative Office of the Courts State of New Jersey (2002, February 5). PL 2001, c241 (A-3277) Provides for the Use of the Comprehensive Enforcement Program: www.judiciary.state.nj.us/legis/muni/2001c421.pdf; State of New Jersey, 209th Legislature (2000. May 8). Fiscal Note Assemble No. 1933: www.njleg.state.nj.us/2000/Bills/a2000/1933_f1.pdf; CBS New York (2002, November 22). New York's Unpaid Millions: http://cbsnewyork.com/investigates/local_story_326161757.html.

[595] D. Sacks (personal communication, December 12, 2002).

[596] D. Sacks (personal communication, December 12, 2002); Lifespan (2002, June 4). Our Purpose: www.lifespan-roch.org.

[597] D. Sacks (personal communication, December 12, 2002); Kahan, F.S., & Paris, B.E.C. (2003). Why Elder Abuse Continues to Elude the Health Care System. The Mount Sinai Journal of Medicine, 70(1), 62-68..

598 D. Sacks (personal communication, December 12, 2002).

599 Monroe County, New York (2003a). Monroe County—Home: www.monroecounty.gov . Monroe County, New York (2003b). Promoting Respect, Integrity, and Dignity in Elders: www.elderrespect.org.

600 Safe Horizon (2003). Home page: www.safehorizon.org/index.php.

601 Art Mason (personal communication, July 2, 2003); NCEA (2003j), op. cit.

602 David Kessler (expert interview, February 25, 2003).

603 Steve Neely (personal communication, June 30, 2003); National Center on Elder Abuse [NCEA] (2003k). Promising Practices—Oklahoma—Elder Financial Exploitation, An Overview: www.elderabusecenter.org/default.cfm?p=promisingpracticesdetail.cfm&vppid=102.

604 Sunbeam Family Services, 2003. Sunbeam Family Services: www.sunbeamfamilyservices.org/shelter.html; Inside DHS, December, 2000: www.okdhs.org/insidedhs/2000/december/index.htm; Judy Hensley (telephone interview March 27, 2003).

605 Washington County Sheriff's Office, Elder Safe Program (2001, October). Elder Abuse MDT Minutes/Newsletter. Hillsboro, CO: Washington County Sheriff's Office. Washington County Sheriff's Office (2002). Elder Safe Annual Report. Hillsboro, OR: Washington County Sheriff's Office. Washington County Sheriff's Office, Elder Safe Program (2002, May). Elder Abuse MDT Minutes/Newsletter. Hillsboro, CO: Washington County Sheriff's Office. Washington County Sheriff's Office, Elder Safe Program (2002c, October). Elder Abuse MDT Minutes/Newsletter. Hillsboro, CO: Washington County Sheriff's Office. Washington County Sheriff's Office, Elder Safe Program (2003a, January). Elder Abuse MDT Minutes/Newsletter. Hillsboro, CO: Washington County Sheriff's Office. Washington County Sheriff's Office, Elder Safe Program (2003b, February). Elder Abuse MDT Minutes/Newsletter. Hillsboro, CO: Washington County Sheriff's Office.

606 Oregon Department of Human Resources (2003). Seniors and People with Disabilities: www.sdsd.hr.state.or.us/programs; Kaye, A., & Darling, G. (2000). Oregon's Efforts to Reduce Elder Financial Exploitation. Journal of Elder Abuse and Neglect, 12(2), pp. 99-102; Aileen P. Kaye (expert interview, February 27, 2003).

607 National Committee for the Prevention of Elder Abuse (2003). Oregon Revised Statutes: http://preventelderabuse.org/communities/bank.html; Kaye & Darling, op. cit.; Aileen P. Kaye (expert interview, February 27, 2003).

608 Costen, R., Temple University (personal communication, January 10, 2003); Pennsylvania Department of Aging (2002, September 30). Administration on Aging Grant 90AM-2302 Progress Report for the period March 1, 2002 through August 31, 2002, submitted to the Administration on Aging.

609 Costen, R., Temple University (personal communication, January 10, 2003).

610 South Carolina Department of Health and Human Services (2003). Adult Protection Coordinating Council: www.dhhs.state.sc.us/boardsandcommittees/adult_protection_coordinating_co.htm.

611 Samaritan Place (2003). A Place to Call Home: www.samaritanplace.com; Bill Fields (personal communication, July 3, 2003).

612 Texas Elder Abuse and Mistreatment Institute (2003). Welcome to the TEAM Institute Online: www.teaminstitute.org; Baylor College of Medicine (1998, June 12). BCM Geriatrics Section: Clinical Services and Patient Information: www.bcm.tmc.edu/medicine/geriatrics/content_02.html; Heath, J.M., Dyer, C.B., Kerzner, L.J., Mosqueda, L., & Murphy, C. (2002). Four Models of Medical Education about Elder Mistreatment. Academic Medicine, 77(11), 1101-1106; U.S. DOJ, op. cit.

613 Marjorie Marker (personal communication, July 1, 2003); Virginia Department of Social Services Adult Services Programs (2002, April). Virginia Financial Institution Reporting Project Resource Guide. Richmond, VA.

614 Coalition of Wisconsin Aging Groups (2002). Welcome: www.cwag.org/Home%20Page.htm; Helen Marks Dicks (expert interview, April 16, 2003).

[615] SeniorLAW (1998). SeniorLAW: www.seniorlaw.org; State of Wisconsin Department of Justice (2002, February 25). Doyle Provides Funds to Help Victims of Sexual and Elder Abuse: www.doj.state.wi.us/news/nr022502.asp.