

WARNING SIGNS OF FINANCIAL EXPLOITATION

FINANCIAL ACTIVITY:

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

INHERITANCE & WILLS:

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

CAREGIVER WARNING SIGNS:

- Is the elder now reluctant to discuss matters that were once routine?
- Does the elder seem apprehensive of the outside world – more tired or depressed?
- Does the caregiver say the elder is less willing or able to accept visits or calls?
- Does the caregiver seem overly concerned about the elder's finances?
- Does the caregiver often speak for the elder, even when the elder is present?

- Does the caregiver have no means of support other than the elder's income?

NEW FRIENDS AND PROFESSIONALS:

- Is there a new person involved in the elder's life, with no logical reason for being there, such as a new boyfriend or girlfriend much younger than the elder?
- Has the elder recently changed their doctor, lawyer, accountant, or other professional?

WHERE TO GET HELP

ADULT PROTECTIVE SERVICES

(APS) (800) 814-8009

- Investigates complaints of abuse or neglect of elders and dependent adults
- Helps elders obtain needed social services, make police reports, and get conserved

OMBUDSMAN

(415) 751-9788

- Receives complaints involving elders in long-term care facilities, such as nursing homes

PUBLIC GUARDIAN

(415) 554-5055

- Assesses physical, mental and financial needs of elders and dependent adults
- Petitions Probate Court for conservatorship
- Locates assets and arranges for disposition
- **Estate Investigators** - secure assets and provide money management
- **Representative Payee Program** - financial management of income (SS, SSI, pensions)

VETERANS SERVICE OFFICE

(415) 554-7100

- Helps veterans and dependents obtain benefits, and outreach to homeless veterans

CONSERVATORS

- Appointed by Probate Court, when a person is no longer able to care for themselves, either physically, financially, or both
- May be the Public Guardian, a family member, or a professional conservator
- **Note:** Power of Attorney is no substitute for conservatorship – it cannot protect the elder!

PROBATE COURT

(415) 551-3650

- Investigates conservatorship cases
- Conducts hearings to determine legal competency and to appoint conservators
- Oversees conservatorships and monitors how the elder's funds are spent in their behalf

POLICE DEPARTMENT

(415) 553-0123

- Investigates reports of crimes against elders and dependent adults; arrests their abusers

DISTRICT ATTORNEY

(415) 551-9500

- Prosecutes in court those who commit crimes against elders and dependent adults
- Provides assistance to victims of crime

Prepared by
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HELP STOP ELDER FINANCIAL ABUSE

One in four persons now living in San Francisco is 65 or older. Our **elders and dependent adults** are being abused at an alarming rate. What can be done?

In this brochure, you will learn:

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

WHAT IS THE LAW?

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

WHAT IS "FINANCIAL ABUSE"?

... Using the elder's money or assets contrary to the elder's wishes, needs, or best interests - or for the abuser's personal gain. Examples of Financial Abuse:

- Taking money or other items from the elder's home or bank accounts
 - Selling or transferring the elder's property against their wishes or best interests
 - Failing to provide agreed upon services to the elder, such as caregiving, home or vehicle repair, or financial management
- Financial Abuse Examples (continued)
- Using the elder's **credit cards** for unauthorized purchases

- Using the elder's name or good credit to open **new credit accounts**
- Misusing the elder's **Power of Attorney (POA)**
- Refusing to return **borrowed money or property** as agreed upon, or when requested by the elder or their agent
- Creating or changing **living trusts** for the benefit of the abuser
- Changing the elder's **will, trusts, or inheritance** for the abuser's benefit

WHAT IS "UNDUE INFLUENCE"?

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

HOW IS UNDUE INFLUENCE

ACCOMPLISHED BY ABUSERS?

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

WHO MIGHT BE AN ABUSER?

- Family members
- Caretakers - paid or volunteer

- Strangers - met in public, or over the phone, or those who come to the door
- Professionals hired by the elder - accountants, bankers, lawyers, doctors

MAKING THE ELDER LESS OF A TARGET

ASSESSING ELDER LIFESTYLE RISKS:

- Does the elder **live alone**?
- Does the elder still **drive**? If so, they may be prone to **crashes**, or to being victimized by **driving-related scams** (see next section.)
- Does the elder spend a lot of time on foot, in **public places**? If so, they may be targeted by **exploiters** who search for elderly victims at banks, stores, parks, malls, libraries, etc.
- How many **local friends** does the elder have?
- Does the elder have information about **housing options, care choices, and support groups**?
- Have the elder's **outside activities** decreased over the past few years?
- Does the elder have **family members** in the area? Is there **weekly contact**?
- Is the elder **overly friendly** and helpful - even to total **strangers**?
- Has the elder added a **joint signer** to their bank account, perhaps to avoid probate, or to make it "easier" for a caretaker to pay their bills? If so, the new signer can take anything in the account at any time – with or without the account consent of the original owner. The new signer cannot be removed from the account without their approval or a court order – and even if removed, may be legally entitled to half the account.
- Where and from whom is the elder is getting **financial and medical advice**?
- Has the elder given **Power of Attorney (POA)** to someone? If so, that person has unlimited control over the elder's finances, with no court supervision. Who **oversees** the person who uses

the elder's Power of Attorney? Is there a regular **accounting** to the elder's family members? Who has a copy of the **POA document**? Would you know how to **rescind** the POA if needed? Do you know what will happen with the POA if the elder becomes **incapacitated**?

- Does the elder seek advice of **fortunetellers**, psychic advisors, or spiritual healers?
- Does the elder know **when and how** to call the **police** for **emergencies** - and for **non-emergencies**, such as suspicious persons?

BE CAREFUL WITH CAREGIVERS:

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

TALK TO ELDERS ABOUT AVOIDING

THESE COMMON SCAMS:

- **"You are a Sweepstakes Winner!"** Elder gets a call or letter saying they have just won a big "prize", but must first send money for "taxes" or fees before getting their prize.
- **Fortune-Teller or Psychic Healer:** Elder's money or jewelry is "cursed" and must be given to a fortuneteller to remove the "curse." Sleight-of-hand tricks (raw eggs with hair, grapefruits with blood, and knotted threads) are used to show the curse is real.
- **"I'll Fix your Roof or Driveway – Cheap!"** Elder pays cash to a door-to-door solicitor who just happens to have some left-over materials from a previous job, then gets shoddy work – or no work at all.
- **"Let's share this found cash":** Stranger approaches elder with offer to share "found" cash. Elder is told to get "good faith money"

of their own, which is then stolen by deception.

- **"Help Me Donate My Cash to Charity":** "Foreigner" approaches elder, asking for help to donate inherited cash to charity. Elder is told to get "good faith" cash of their own, which is then wrapped in a bandana and stolen by deception.
- **"You Hit My Car in the Parking Lot!"** Crooks smear elder's parked car with tar while elder is shopping. When elder returns and drives off, crooks follow, and accuse elder of Hit & Run, pointing to tar as evidence of "damage". Crooks demand cash to keep from calling Police.
- **"Latin-Lotto" Scam:** "Illegal alien" offers the elder a share of their "winning" lottery ticket – if the elder is willing to put of their own cash to help redeem it.
- **Gold Bar or Diamond Scam:** Foreigner offers to sell elder a fake gold bar or diamond at a "big discount," to raise cash for a "family emergency" back home.
- **Water Inspector Scam:** Phony "Water Inspector" comes to elder's home, tells elder to bang on pipes in their basement while the rest of the house is burglarized.
- **Bank Examiner Scam:** Elder gets phone call asking the elder to give a cash deposit to a "bank detective" trying to catch a crooked teller at the elder's bank.

For more information on these scams, call SFPD Fraud, tel. (415) 553-1521

