

# PREVENTING ELDER FINANCIAL EXPLOITATION

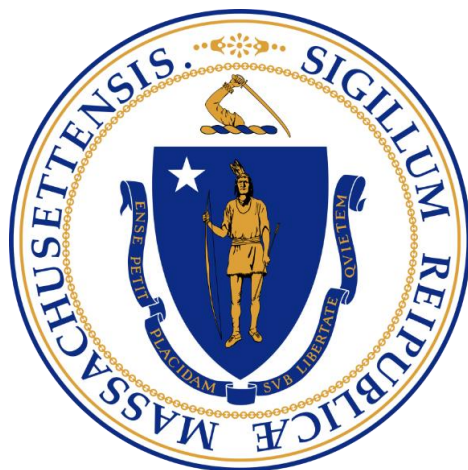
## EMPLOYEE TRAINING MANUAL FOR FINANCIAL INSTITUTIONS

### AN INITIATIVE OF:

- Office of Consumer Affairs & Business Regulation
- Executive Office of Elder Affairs
- Division of Banks

### IN COLLABORATION WITH:

- Office of the Attorney General
- Massachusetts Bankers Association
- Cooperative Credit Union Association



The Commonwealth of Massachusetts

Charles D. Baker, Governor

Karyn E. Polito, Lieutenant Governor

2017

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## SECTION I: OVERVIEW

*Mr. J. was a regular customer at his financial institution. He went in once a week to cash a check for a small amount. In one week, a teller noticed he came in three different times. A woman the teller had not seen before accompanied him. On each occasion, Mr. J. cashed increasingly large checks. The final check cleaned out his account.*

*The following week, the teller called Elder Protective Services in great distress, asking if Mr. J. could be helped. He had come into the financial institution to cash his usual small check, and she had to tell him that his account was empty. Mr. J. did not seem to remember the transactions he had made the previous week. When he discovered that he had no money left in his account, he stood in the lobby and cried.*

*The teller said that she had felt that there was something wrong, but had not known what to do. Had she been aware of the warning signs of financial exploitation, the appropriate employee response to these situations and the protocol for reporting suspicions, this situation might have been prevented.*

### History of Preventing Elder Financial Exploitation Program

*Preventing Elder Financial Exploitation* was first implemented in February 1996 under the name *The Massachusetts Bank Reporting Project*. The *Bank Reporting Project* was a public/private collaboration between the Executive Office of Elder Affairs, the Office of the Attorney General, the Office of Consumer Affairs and Business Regulation, the Division of Banks, the Massachusetts Bankers Association, and private banks. In March 2009, the Project was expanded to include a partnership with the Cooperative Credit Union Association. Through voluntary participation in this training program, financial institutions and their employees have been and will continue to be integral in the successful detection and prevention of elder financial exploitation. This program has been relaunched in 2017 under the new name *Preventing Elder Financial Exploitation*.

### Defining Elder Financial Exploitation

Individuals over the age of sixty (60) comprise the most rapidly growing segment of our population. Elders often have substantial savings after a lifetime of earning, making them targets for abuse. Some elders are more vulnerable because of physical disabilities and cognitive decline. Financial Exploitation is devastating to elders and their families and loved ones, as elders are often on a fixed income and cannot recover from the effects of this abuse.

Elder financial exploitation is the illegal or improper use of an elder's resources by a family member, friend, neighbor, acquaintance or stranger. The Massachusetts Executive Office of Elder Affairs has found that financial exploitation by people known to elders, often relatives or friends, is the primary type of abuse in roughly 20% of elder abuse cases. Additionally, many more elder abuse cases have a component of financial exploitation. The Office of the Attorney General also receives a significant and increasing number of complaints and hotline calls concerning elder financial exploitation involving scams

and fraud by unscrupulous businesses, relatives and individuals. Unfortunately, many cases go unreported, or are not discovered until the elder has been stripped of all assets and the financial damage is irreversible.

## Protecting Elders from Financial Exploitation

The number of financial exploitation reports received by the Executive Office of Elder Affairs Protective Services Program (Protective Services) from banks has increased dramatically since the Massachusetts Bank Reporting Project was implemented. Not only are employees better able to recognize exploitation and other types of abuse, they are now consulting more with Protective Services and reporting situations without fear of compromising customer confidentiality.

Reporting suspicious situations, though, is only one of the critical components in battling elder financial exploitation. Effectively intervening to protect the funds of vulnerable elders also requires cooperation and communication among the older consumer, financial institution personnel, law enforcement and Protective Services. Cooperation and communication are more easily navigated because of participation and banks and credit unions will begin to note: 'We can now do something about the situations that used to keep us awake at night.'

## The Secret of Success

The secret of success when helping to prevent elder financial abuse is 1) a collaborative public/private nature; 2) an emphasis on a coordinated and comprehensive response; and, 3) simplicity and efficiency. This training manual is designed to minimize the time financial institution personnel spend on these cases while still ensuring that critical information reaches Protective Services or law enforcement in a timely manner. **In addition, the protocol provides legal protection for financial institutions and consumers by advancing a basic level of financial protection for consumers while accommodating concerns about releasing confidential information.**

Currently, over 100 banks in Massachusetts participate voluntarily. After receiving materials and training from the Project partners, financial institutions are responsible for training their employees on identifying possible financial identifying possible financial exploitation and other types of abuse. In addition, financial institutions provide training on following the simple protocol for reporting suspicious circumstances to Elder Protective Services and/or law enforcement. They also are strongly encouraged to initiate a variety of preventative measures, including distributing consumer brochures, hosting consumer education seminars, and offering accounts or services designed to maximize convenience for older consumers and protect their funds.

## Project Training

Since the inception of this endeavor in 1996, several thousand bank and credit union personnel have received training directly from Project trainers through sessions scheduled for management and security personnel, and follow-up training through the local designated Elder Protective Services Agencies. Additional employees have received training through individual financial institution trainers.

Also, more than 5,000 training manuals have been distributed throughout Massachusetts. The last time this training manual was substantially updated was in 2009. As part of the relaunch of these materials in 2017, certain parts have been updated and modernized to account for current banking practices for today's increasingly technological banking world. In addition to this manual, three training tools have been developed that are available to financial institutions: 1) a PowerPoint presentation designed for financial institution management; 2) a PowerPoint presentation for line staff; and, 3) a warning signs placard for posting at individual teller stations. All training tools for banks and credit unions are available on either the Massachusetts Bankers Association website ([www.massbankers.org](http://www.massbankers.org)) or the Cooperative Credit Union Association website ([www.ccu.org](http://www.ccu.org)), respectively.

Bank and credit union employees are in a unique position to be the first responders to possible financial exploitation. While other professionals such as police and fire personnel act as first responders to problems in the home, financial institution employees often possess that early knowledge of elder financial exploitation. They frequently see these situations developing long before others might, and therefore play a critical role in addressing what all agree is a serious concern.

This manual is intended to be should act as a reference guide for employees of financial institutions. In conjunction with the supplemental training material, it describes common situations, gives information on recognizing the signs of exploitation, and outlines the appropriate response of the bank or credit union employee when faced with suspicious circumstances.

## **Benefits to Financial Institutions**

The benefits of participating in the Preventing Elder Financial Exploitation program are far reaching. Participating financial institutions will provide an important service to the general public, demonstrate their commitment to the communities that they serve, and strengthen customer relationships. Most importantly, broad-based participation in the Project should serve as a deterrent to financial abuse and spare many elders the hardships that can accompany exploitation.

### **Preventing and Deterring Financial Abuse**

Participation in this training will not prevent every case of elder financial exploitation. Because of the potential financial impact of the exploitation on any given individual is so severe, including inability to pay essential bills and loss of housing, stopping even one case is critical. Funds often disappear very quickly and frequently cannot be recovered. As such, it is critical that those in a position to identify these cases early join in the fight to prevent the abuse to safeguard our elders' futures, even if it is one case at a time.

### **Community Banking**

Banks and credit unions have traditionally been generous in their support of activities that benefit their communities. This project presents financial institutions with another opportunity for community service and improving overall community safety. Elders are a vital part of the community and have often raised their families, financed their homes, and supported local businesses and civic

institutions. It makes good business sense for financial institutions to participate in a project that will benefit this vital segment of the community. Active participation by financial institutions will produce tremendous support from local community advocacy groups as well as media outlets.

### Customer Relationships

Participation in the *Preventing Elder Financial Exploitation* project is aimed at serving older consumers. Will customers be upset when discovering their private financial matters may be disclosed? While some individuals may be concerned that their financial information may be disclosed in connection with a report of suspected financial abuse, most customers understand that the benefits of their bank or credit union's participation in this project far outweigh any possible risks. Consumers recognize and appreciate that financial institutions are trying to protect their assets, and are more likely to continue banking with an institution that truly invests in its customers.

### Other Benefits

Beyond the many benefits mentioned previously, participation also may help to decrease uninsured losses. Persons who have lost funds due to fraudulent activity will often seek restitution from their financial institution. Effective prevention helps to stop misappropriation in the first place, while the proper response increases the chance that misappropriated funds will be recovered or losses will be minimized. Participation in this project may be an important part of the institution's risk-mitigation strategy with respect to customer losses from fraudulent activity. Additionally, a structured response made by a designated employee of the bank or credit union, whereby private consumer information is released appropriately, may reduce potential legal risk to the institution.

### Reporting and Investigation Protocol

Having protocols in place for preventing elder financial exploitation ensures that financial institution employees know when it is appropriate to release confidential information and that there are legal protections in place when they report financial abuse. The Reporting and Investigation Protocol for this project was developed to provide a method to banks and credit unions to identify and report elder financial exploitation without breaching customer confidentiality. Financial institutions can protect their customers by being alert and reporting suspicions of exploitation to the designated person at your bank or credit union.

In addition to reporting, this protocol outlines when financial institutions can legally release private customer information to the local protective services agency. Even though the institution may not have filed a report, Protective Services may need information to aid in the investigation process. Releasing information via the methods identified in this protocol protect the bank or credit union from liability (See Appendices G and H for a sample form and reporting policy).

### Commitment to Prevention through Education

Since this project's inception in 1996, more than 500,000 consumer brochures have been distributed to customers via bank statements and other methods. In addition, banks have sponsored numerous educational seminars, such as conferences and television and radio promotions, in cooperation with the Project. Ongoing community education about financial fraud will continue to be critical in addressing



financial exploitation. Effective outreach incorporates an understanding of why elders may be exploited. Without this knowledge, preventive strategies may not reach certain populations or be as effective. There are varied reasons why elders may be more vulnerable to exploitation. While anyone could fall prey to a scam, elders may be showing a cognitive or physical decline or may be more trusting of others. In addition, elders may be facing changes in financial or economic status.

As people age, they also may become more dependent on others for assistance. Elders may begin to look to others, including family members and neighbors, for assistance with transportation to their financial institution, grocery shopping or managing accounts. Needing practical help does not always lead to exploitation, but it can increase one's vulnerability. In addition, some older adults become more socially isolated as they age, and may become more vulnerable to exploitation from family and strangers.

Older consumers who appear confused, disoriented, socially isolated or more physically impaired may need help, even if they are not being abused. In addition to recognizing the signs of Financial Exploitation, it is necessary to know who to reach out to if an employee is concerned for an elder's well-being.

## How the Project Works

*At various times during one day, an unknown male cashed three different checks that had been drawn on the account of an older customer, Mrs. R. The financial institution's employees identified this unusual pattern, and the security officer contacted the elder. Mrs. R. denied having any knowledge of the transactions and stated that she had left her daughter in charge of her finances during a brief hospital admission. The financial institution's staff notified the local protective services agency and the police, and began researching recent transactions. The records showed that more than \$5,000 had been removed from the account over approximately three weeks without the elder's knowledge.*

*The Protective Services caseworker found Mrs. R., a 74-year-old widow who lived alone, to be alert and capable. She was legally blind and had difficulty walking. Working together, the caseworker, security officer and police officer spoke to the elder, informing her of her rights and options. Mrs. R. made the decision to transfer her assets to a new account. Additional information was provided that the checks had been written to known drug dealers. Mrs. R. knew that her daughter, Jane, had a history of substance abuse and had stolen cash, but not checks, in the past. She felt betrayed by Jane, and wanted to work with the team. Above all, she did not want to continue to finance Jane's drug habits.*

*Following state regulations, Protective Services made a report to the District Attorney, but Mrs. R. did not want to press charges against her daughter. She did confront Jane with the assistance of the caseworker, and requested that the police speak with Jane. Jane admitted to using the money to purchase drugs and agreed to an informal repayment plan. Protective Services also arranged for financial management assistance for the elder through the Money Management Program. A volunteer now helps Mrs. R. with bill paying and monitoring of her account.*

## Goals of the Project

- Commitment to prevention through education;



- Rapid and coordinated response;
- Simple protocol for reporting that maintains confidentiality; and
- Greater cooperation during the investigation.

## SECTION II: HOW TO RECOGNIZE FINANCIAL EXPLOITATION

*When the financial institution notified Mrs. C. that her savings account was overdrawn because of her frequent use of an ATM card, Mrs. C. said that she did not know what an ATM card was. Mrs. C. had rarely left her house and had not visited the financial institution for several years due to her increasingly frail health. Protective Services and security discovered that a young man, Alan, a neighbor's son, was exploiting Mrs. C.*

*Alan had asked Mrs. C. to sign an ATM card application when she was intoxicated. He took the signed application to the financial institution, claiming to be acting on her behalf. Unfortunately, no one questioned this claim or called Mrs. C. to verify her wishes. Alan retrieved the ATM card from the mail, made up a PIN number and began making almost daily withdrawals of \$100 to \$300. In three months, he had depleted her life savings, resulting in Mrs. C. being unable to pay her medical bills.*

*Protective Services and her financial institution helped Mrs. C. cancel the ATM card. A report of theft was filed with the District Attorney, and a warrant was issued for Alan's arrest.*

The more that bank and credit union employees know about the methods used by exploiters, and the behavior of those they exploit, the more likely it is that those employees will identify situations involving elder financial exploitation. First, there may be observable behavior in older customers visiting the financial institution and in persons accompanying them or carrying out transactions for them. Second, there are often identifiable 'paper trails' left by exploiters as they manipulate their victims' assets.

**The most alert and conscientious financial institution employee will not be able to detect every case of financial exploitation.** With technological advances and ever-changing scams and financial crimes, detecting exploitation has become more complex. Automated Teller Machines (ATMs), remote deposit capture, and 24-hour telephone, online, and electronic banking increase the risk of exploitation, while simultaneously making it harder to detect. Such technology decreases personal contact between financial institution employees and customers, limiting opportunities to identify observable signs of exploitation. In addition, today's financial frauds frequently involve more secretive behavior and wire transfers, making it more difficult to identify the perpetrator. In spite of these challenges, financial institution employees can still detect many cases of exploitation.

### Defining Financial Exploitation

#### What is Elder Financial Exploitation?

Elder financial exploitation occurs when an individual acts or fails to act in a way that causes a substantial monetary or property loss to an elderly person, or causes a substantial gain to the

exploiter that would otherwise benefit the elder. Financial exploitation includes stealing small amounts of cash, forging checks, fraudulently using credit cards, setting up unauthorized on-line banking access, obtaining money by deceit or misleading behavior (including scams), persuading an elder to sign over a home, or signing a will against his or her wishes.

### Substantial Loss

In determining whether there has been a substantial loss, protective services will consider the financial circumstances of the elder and the relative value of the loss. A loss of a few dollars a week may lead an elder on a limited fixed income to be unable to purchase food, pay the rent or afford necessary medications. Therefore, even though the dollar amount may not be large, the loss is substantial for that elder.

Elder Protective Services defines substantial loss as follows:

- For **elders who are considered low income**, any loss of income or property would be considered financial exploitation. Low income is defined as receiving or eligible to receive Supplemental Security Income, Medicaid (Mass Health) or with an income no greater than 100% of the federal poverty level.
- For **elders with higher incomes**, financial exploitation would be substantiated when the loss averages at least 10% of the elder's monthly income during the period the loss or losses occurred. In addition, the loss of a lesser amount of income or property is considered financial exploitation if it results in the elder being unable to meet his/her essential needs or monthly financial obligations.
- If losses to an elder (or gain to the exploiter as identified below) equal or exceed \$1,000, a finding of financial exploitation is required, **whatever the income level**.

**The financial institution does not need to determine an elder's income prior to reporting suspected financial exploitation.** If institutions wish to clarify the parameters of any loss, they are encouraged to consult with Protective Services at any time.

### Substantial Gain

When the monetary or property gain to the alleged exploiter is substantial, a finding of financial exploitation is required, regardless of impact on the elder. Substantial gain is present when:

- The total value of the money and property inappropriately obtained averages at least 10% of the exploiter's monthly income for the affected months.
- The total value of money and property inappropriately obtained equals or exceeds \$1,000.

*As noted earlier, the financial institution does not need to determine an exploiter's income prior to reporting financial exploitation.*

### Consent and Competency

Informed consent is a critical component of financial exploitation cases. Financial exploitation occurs when:

- The elder does not provide consent;
- The elder is tricked, intimidated, or forced into giving consent; or
- The elder is not competent to give valid consent.

Elders must be fully informed of and authorize any transactions made in their names. Consent must be freely given. Any attempts to trick or deceive elders, or force or coerce them into giving consent, means that valid consent has not been provided. In addition, an elder must be able to understand the situation and the implications and consequences associated with that choice. An elder who is confused or in some way cognitively compromised may not have the mental capacity to provide informed consent.

Competency is a legal issue that is determined by a court of law. Financial institution employees should presume older consumers to be competent and responsible for making their own financial decisions unless specific documentation is provided stating otherwise. Even without this documentation, if an elder's cognitive capacity to understand their financial situation is impaired, consultation with, and potentially a report to, Protective Services is warranted.

### Control Over an Elder's Income or Property

Financial exploitation also occurs when another individual gains access to or control over an elder's assets without his/her informed consent. Specific acts in this area include, but are not limited to, inappropriately obtaining a Power of Attorney, changing a will, revising a contract or securing joint account privileges without the elder's informed consent. In addition, financial exploitation exists when an elder willingly provides access to funds (e.g. joint account privileges) but his/her funds are not spent in a manner approved by the elder. For example, an elder may provide her nephew with joint account rights for the sole purpose of paying her monthly bills and buying her groceries. If the nephew uses the money for any other unauthorized purpose, such as purchasing himself a television, financial exploitation has occurred.

### The Right to Choose

It is not financial exploitation if a competent older person willingly consents to a transaction. *For example, Mrs. A. may willingly give her grandson several thousand dollars as a wedding present. Even if she later changes her mind, this money was provided as a bona fide gift and is not considered financial exploitation.*

In some situations, others may believe the elder is making a poor choice. *For example, Mr. D. may repeatedly bail his cocaine-addicted grandson out of jail. As he is on a low, fixed income, this would appear to be a bad idea. If he is fully competent and understands the consequences of his action, and assuming he is not a victim of the Grandparent Scam, he has the right to spend his money in whatever way he chooses.*

*Competent adults of all ages have the right to make their own decisions.*

### Types of Financial Exploitation

There are two main categories of financial exploitation:

**1. Exploitation where the suspect is known to the elder.**

This would include family members, friends, care providers, acquaintances, neighbors and fiduciaries. A fiduciary is someone appointed by the court as a guardian or conservator. In addition, an individual may act as a fiduciary on behalf of an elder by virtue of a Power of Attorney signed by the elder.

Exploitation by people known to the elder should be reported to Elder Protective Services. Protective Services will investigate the report and, when warranted, provide a range of services designed to end the abuse. Protective Services are provided free of charge, although elders who can afford them may be required to pay for some supplementary services, such as transportation and homemaking services.

**2. Exploitation where the suspect is a stranger or is unknown to the elder.**

The type of exploitation varies depending on the type of offender. Strangers, who do not have familial or other ongoing relationships with the elder, will use different methods or “scams” to financially exploit a victim.

Similar to crimes like burglary, robbery and mugging, exploitation by strangers should be reported to and investigated by the police, regardless of the age of the victim. When exploitation by a stranger has led to, or may lead to, an elder being unable to meet certain financial obligations (such as purchasing food or medications, or paying mortgage or electric bills), a report to Protective Services also may be warranted. Even a one-time payment in response to fraudulent activity may adversely impact an elder’s ability to meet his or her basic, daily needs. A complaint that a business has acted unfairly or illegally may not in itself be financial exploitation. Complaints against businesses that do rise to the level of financial exploitation should be reported to other regulatory and/or licensing authorities.

### **Wrongdoer is Known: Family, Acquaintance, and/or Fiduciary Exploitation**

Most family members and friends provide vital assistance to elders. Without this help, many frail elders would not be able to remain safely at home. Employees should continue to encourage elders to use trusted friends and family members to help them with financial matters when necessary.

Unfortunately, some family members and friends exploit elderly persons. As such, it is important for financial institution staff to keep watch for situations involving those close to elders taking advantage of them. Elders are particularly vulnerable to exploitation from someone they know, trust and love. Additionally, elders exploited by family members or friends are frequently physically or emotionally abused. Sometimes their needs are neglected when the exploiter spends their money. Also, fiduciaries - people acting as conservators, guardians, or those acting pursuant to a powers of attorney - sometimes exploit elders. Courts appoint fiduciaries to act on behalf of frail elders, and bestow upon the fiduciary extraordinary powers to act in the best interest of the elder.

Elders may be reluctant to admit they are being exploited, especially if the exploiter is someone that they know. They may feel embarrassed or ashamed that a family member is abusing them. They may fear retaliation, be dependent on the abuser for care, or worry that they will be placed in a nursing home if they admit to being abused. There may be a fear that the loved one will be removed, or there may be threats of isolation for admitting to problems. In addition, while elders can be dependent on their children, adult children or grandchildren can be financially and emotionally dependent on elders, raising the risk for exploitation.

Increased confusion or impaired cognitive functioning due to dementia or other medical conditions, may cause elders to be unable to care for themselves. These elders even may be unaware that they are being exploited or abused. Furthermore, they may be physically or cognitively unable to find help due to their impairments.

Although the nature and dynamics of their relationships may differ, family acquaintances, friends and fiduciaries frequently use the following methods when exploiting elders. This is not an all-inclusive list and any questions about application to a particular case should be directed to Elder Protective Services.

### **Misappropriation of Income or Assets**

Money or property taken without the elder's prior knowledge and consent is theft regardless of the amount taken. Protective Services' policy is to assess for financial exploitation within the context of the elder's income, alleged perpetrator's income and impact on the elder. In addition, nonconsensual access to an elder's social security check, pension payments, bank accounts, credit or debit cards, ATM cards or any other financial accounts fall within this category.

*For example, a son has been taking \$30 of his mother's cashed social security check each month from her bureau drawer. As this has been occurring without her consent, this is financial exploitation by stealing. Despite the 'small' amount taken, it was a significant impact for the mother due to her extremely low income.*

### **Mismanagement of Income or Assets**

This involves either the willful or the non-willful misuse of an elder's finances. The willful misuse of an elder's money occurs without the elder's knowledge.

*For example, an elder may allow his daughter to become a cosigner on an account to help him pay bills. While she did pay some bills, the daughter also wrote out a few large checks to cover her own expenses. Eventually, the elder discovered that his money was gone and several bills had gone unpaid because of the daughter's actions.*

In non-willful misuse, a caregiver may believe he/she is using the money appropriately and may not understand financial transactions.

*A 50-year-old woman with an intellectual disability may not understand the implications of cashing her mother's checks and giving money to friends.*

## Obtaining Money or Property by Undue Influence, Misrepresentation or Fraud

Although the elder may 'give' the perpetrator money or property, it is exploitation if the choice is based on fear or deception. Undue influence involves any coercion, whether physical, mental or moral, which subverts the sound judgment and genuine desire of an individual. Physical violence may be used, but coercion also may include withholding food or medication; threats; isolating the elder from friends, relatives or services; confining the elder; or depriving the elder the company of a loved one.

*For example, a daughter may threaten to place her mother in a nursing home and not allow visitation with grandchildren unless she is provided access to the elder's life savings.*

Misrepresentation or fraud occurs when the suspect persuades the elder to give or sign over assets by misrepresenting the intent of the transaction.

*An elderly woman, for example, signed the deed to her house over to a friend, based on the belief that she would be allowed to remain there until she died. Her friend promised to care for her and the house would be hers after the elder died. Unfortunately, the friend sold the house almost immediately after the transfer was complete. Because she had nowhere else to go, the elder had to move into a nursing home.*

Caretakers also may inform elders that they need to write checks for food and/or medical treatment when the money actually is being used for the caretaker's own benefit, such as financing a drug addiction. In addition, caretakers may describe a document to a visually impaired elder contrary to its actual meaning or purpose. For example, an elder may sign a document believing it allows for assistance with bill paying when it actually is a quitclaim deed for a home sale.

## Improper or Fraudulent Use of the Fiduciary Authority

Fiduciary fraud occurs when a perpetrator improperly or fraudulently uses his or her status as fiduciary to a) alter an elder's will; b) borrow money using an elder's name; or, c) dispose of an elder's income or assets. A duly appointed fiduciary is responsible for handling the finances in the best interests of the elder.

*For example, a son is financially exploiting his mother when he uses his Power of Attorney authority to liquidate her funds to use as a down payment on his home.*

## Signing Documents without Elder's Consent

Forging, altering and cashing checks or withdrawal slips to obtain money from an elder's checking or savings account, without informed consent, is considered financial exploitation. It also is inappropriate to forge an elder's signature on ATM applications, credit card applications or other legal documents such as deeds and wills. In addition, modifying legal financial documents without an elder's consent is considered financial exploitation.



*For example, a neighbor may offer to help an elder with her finances and bill paying. As part of this assistance, he collects her mail and forges her signature on an ATM card application, making up a PIN number. Using the card, he withdraws approximately \$250 per day until her savings of \$6,000 is depleted. In another case, an elder agrees to sign a blank check or withdrawal slip to pay for her medications, which cost \$50. However, her son completes the withdrawal slip for significantly more than originally discussed, adversely impacting the elder's financial situation.*

### **Charging Excessive Rent or Fees for Services**

Elders may be charged excessive fees for rent, transportation, meals, laundry assistance, personal care, or other caregiver services by relatives, friends or neighbors. In most cases, there is an average rate for rent or other services in a particular area. When the elder is charged significantly beyond what would be considered the average going rate for the identified services, the rate would be considered excessive.

*Even in an extremely expensive community, it would be excessive for a daughter to charge her mother \$2500 per month for rent of a single room and shared living space with no services or utilities. In addition, a neighbor charging an elder \$100 per week to pick up a gallon of milk is excessive.*

Landlord-tenant disputes, including rent and other concerns about rates and fees, where there are no personal relationships should be referred to appropriate regulatory agencies and not Protective Services, unless the situation fits under the definition of self-neglect. Unfair fees for services and businesses should be referred to your local consumer boards.

### **Wrongdoer is Unknown: Exploitation by Strangers**

Aside from exploitation by family and acquaintances, elders are frequently the victims of scams and exploitation by strangers. Con artists often target elderly people because some seem to be more trusting, appear to be lonely, or are isolated. Other older individuals may give the impression that they are easily confused by fast talk, or have the time to listen to the 'pitch' of the con artist. In addition, many elders have relatively easy access to their savings, compared to others who have committed monies to raising families, educating children or paying for homes.

No one is immune to becoming a victim of a scam. People of all ages and backgrounds have been swindled. Unfortunately, being swindled on one occasion may make an individual more vulnerable to future scams. Many con artists keep records and lists of those they have previously conned, and will distribute or sell those lists to other con artists. These lists may identify a previously targeted individual as a 'lead' for future scams. As such, it is not uncommon that certain elders have been victimized multiple times.

Con artists are successful for several reasons:

- Con artists are very skillful. Many have the abilities of professional actors and can convincingly present themselves to their potential victims. They are very adept in assessing human weaknesses and manipulating certain human traits, including goodness, gullibility, greed and fear.



- Many people have become complacent, believing they are too clever to be swindled. Older adults can become complacent when they believe their years of experience will help them detect a scam.
- Con games are very difficult to detect. There are two reasons for this. First, frauds are committed without violence. Unlike a shooting or assault, people (even police) in the vicinity will normally be unaware that a fraud is being committed. Second, frauds are seldom reported to authorities. Many victims are embarrassed to report that they have been swindled. In addition, some people are not aware that they have been conned, and others conclude that there is nothing the authorities can do to recover their money or other assets.
- Con games are very difficult to prosecute. Because of electronic banking, wire transfers and ever-changing scams, people who swindle others cannot easily be traced. Con artists usually do not have ties to the communities in which they operate, and their lifestyles are characterized by mobility and frequent name, identification and scam changes. As such, it is critical for financial institution employees and security to intercept scams as quickly as possible by alerting the police.

While it is not possible to identify every scam, financial institution employees will be able to prevent many cases of stranger exploitation by educating themselves and consumers about common scams and their indicators. It is not possible to address every scam or variation in this manual. However, several common examples are provided based on three general categories: Person-to-Person Confidence Scams; Mail or Phone Fraud; and Telemarketing and Internet Fraud.

### Person-to-Person Confidence Scams

All of these scams require person-to-person contact with the victim, although initial contact may be by telephone or other means.

- **Fraudulent Accident Ploys**  
Whether by phone or in person, the perpetrator informs the elder that the elder's child (or another family member) has been seriously injured and needs money for medical treatment. In another version, the elder may be informed that the child is in jail and is in need of bail money or has been kidnapped. Once the elder is hooked on the story, the con artist requests the elder's credit card number or takes the elder to a local bank for a large withdrawal. The con takes the money and, using various excuses and explanations, leaves and does not return the money.
- **Grandparent Scam**  
The Grandparent Scam involves a call to an elder from someone pretending to be a loved one, most often a grandchild.. The caller will say that they are in jail or are stranded and need money. Often the scammer posing as the grandchild will ask the elder not to tell anyone. The scammer sometimes obtains personal details about the grandchild so the story sounds more plausible.
- **Unsolicited Work/Unscrupulous Contractors**  
Home Improvement Scams play out with a repairman or contractor arriving at the elder's home, informing him or her that significant work is needed on the home or driveway. The contractor claims that he can perform the job cheaply and quickly because he just finished

a job nearby and has leftover materials. If any work is done, it is done poorly, such as putting black oil on the driveway to make it temporarily look good. In addition, the perpetrator may indicate that additional monies are needed for labor and/or materials, and frequently, little or no work is completed. Usually, no repairs were needed on the home and the scam is a means to obtain money by convincing victims that they are getting something at a reduced cost.

- **Sweetheart Scam**

The Sweetheart Scam can be perpetrated online or in person. It involves a relationship between the scammer and the victim, where the scammer convinces the elder that they are in love. Many times, this scam is initiated through dating websites and, after a relationship is developed, the scam artist will ask the victim to send money for an operation, for a plane ticket, or for another problem. The victim often wires money to the perpetrator, and then never hears from them again. Alternately, the victim may send money multiple times for various new “problems” their “lover” is having. Banks and credit unions should be aware of elders who are trying to send wire transfers, especially internationally, in large sums. Often, in these cases, the elder may resist attempts to help.

- **Pigeon Drop**

In general, the elder is approached by someone who strikes up a conversation about finding or inheriting money. As the scam develops, other individuals may become involved and discussions begin to center on what to do with the money. Eventually, discussions focus on splitting the money, and the elder is asked to withdraw an amount of cash equal to his or her share, as a sign of good faith. When counting the money, the elder is distracted and the con artists switch envelopes. The victim ends up with an envelope filled with only paper and has been swindled out of whatever money was withdrawn.

## **Mail or Telephone Fraud**

Mail or telephone fraud includes conducting phony contests and sweepstakes; selling misrepresented or nonexistent investments or products; touting worthless or dangerous medical cures; soliciting money for phony charities; promoting participating in fraudulent work-at-home schemes; and selling ‘dream vacation’ packages that turn into nightmares. This is not an all-inclusive list, but it represents a variety of mail or phone frauds that may be utilized. Descriptions of several mail or phone fraud schemes are detailed below, with bogus charities being discussed under ‘Telemarketing Fraud.’

- **Fraud Directed Against Consumers**

- **Sweepstakes and Prizes**

This fraud often starts with a notification to someone by phone or mail that ‘You’ve just won a prize’, which could include a free or low-cost vacation. In reality, there is no contest, sweepstakes or other worthwhile prize. ‘Winners’ are asked to send money to cover ‘handling charges’ or ‘taxes.’ Instead of sending cash, elders may be requested to provide credit card numbers or financial account information as part of the verification or payment process. Unfortunately, after monies are sent, the only

other contact about the contest is a request for additional monies for other administrative or processing costs.

Variations of these scams include lottery and inheritance fraud. The victim is informed that he/she has 'won a lottery' or 'inherited a portion of unclaimed money.' Even though no lottery exists or has been entered and there is no unclaimed pool of money, the sales pitch makes these deals difficult to resist.

As with other scams, sweepstakes and lottery scams frequently use phony cashier's checks. Appearing to be a legitimate check drawn on an actual bank, victims are asked to deposit it in their own financial account. They are then asked to immediately withdraw a lesser amount and wire these funds, which will cover shipping or taxes due. Unfortunately, when the cashier's check eventually bounces, as it is a fake, the victim has lost the monies wired. In addition, the victim may be responsible for repaying the financial institution if funds withdrawn exceed those originally in the account.

- **Product Purchase**

In this scam, elders may be asked to purchase a product by sending monies before the product is seen. If a product is actually delivered, it is frequently of lesser quality compared to the amount of money paid for it.

- **IRS Tax Scam**

In this case, the scammer will pretend to be the IRS, the Government or Medicare and will threaten the elder and demand payment on past due taxes or fees. Sometimes the scammer will demand payment in the form of a gift card or credit card. Keep in mind that these organizations will never ask for personal information over the phone.

- **Grant Scam**

In this scam, the government or other agency offers the elder a grant for home repairs or educational costs. The scammer claims to need the consumer's bank information for a processing fee or to deposit the proceeds of the grant.

- **Business Opportunity Frauds**

- **Mystery Shopper**

With this scam, victims receive information about an opportunity to earn a substantial income by becoming a mystery shopper. Using a phony cashier's check, the victim is forwarded an advance on their income, and asked to wire certain monies back. Unfortunately, the opportunity being offered is not legitimate and whatever monies are sent are never returned.

- **Work-at-Home Schemes**

Advertisements for such 'enterprises' often appear in local 'Neighborhood Shoppers' or other publications. The ads usually promise opportunities that have a guaranteed weekly or monthly income where little work or experience is needed. To begin earning these high incomes, victims are asked to submit small registration fees. In addition, some of these scams require purchasing materials for which the purchaser will be reimbursed with the first paycheck.

To receive payment, though, work done at home must meet certain quality requirements. Unfortunately, work completed frequently is not accepted and the victim loses any money spent as well as any products produced, which are not returned.

- **Medical Fraud**

Medical fraud exists in various forms. There is always someone, somewhere, who claims to have discovered a test, cure or medical product for a particular medical condition. These claims are often advertised in newspapers and magazines, and the scam is completed through the mail when victims send in their money.

- **Unsolicited Calls or Emails Requesting Personal Information**

Unless a customer initiates the call him or herself, one should NEVER provide personal information over the phone or email. Unsolicited callers or emailers requesting personal information may use that information to obtain credit and account information, withdraw monies and steal someone's identity. It invariably involves a scam. One should never release personal information to an unknown caller or in response to an unsolicited email, including information such as: name and/or address; date of birth; mother's maiden name; account/credit card numbers; PIN (personal identification) numbers; social security number; estate plan; or, location of a safe deposit box.

- **Telemarketing and Internet Fraud**

Telemarketing and internet fraud involve obtaining money from victims in exchange for services or products that are either never furnished or priced far above their true market value. Well-rehearsed, high-pressure sales pitches are used to convince consumers to buy overpriced products, invest in fictitious enterprises, and participate in contests to win worthless prizes or contribute to phony charities.

Solicitations are cleverly worded and contain many different claims to entice their victims. While not an all-inclusive list, several telemarketing and internet fraud schemes are identified below.

- **Bogus Charities**

It is not uncommon for elders to receive telephone calls and mail soliciting funds for various organizations, especially following a natural disaster or other emergency. Some of these organizations are legitimate charities while others are not. Some charities spend over half their income to pay professional fundraisers. Others never give any of the money raised to the worthy causes that they purport to represent. Prior to giving money to any charity, it is important to ascertain whether the organization is a legitimate charity and how the donated monies will be used. The Office of the Attorney General regulates charities. Questions about the legitimacy of a charity or about charitable fundraising practices may be directed to the Office of the Attorney General at (617) 727-2200. Also, any organization raising funds within a particular community should have permission from the local police department. Furthermore, the Council of Better Business Bureaus in Arlington, Virginia at (703) 276-0100 or the Better Business Bureau may provide information and assistance on regional and local campaigns.

- **‘Recovering Your Money’ Scam**  
Once victimized by a scam, additional scams may follow. A “recovery” scam offers prior victims the opportunity to recover the money that they have lost in past confidence crimes. Victims are asked to pay a fee to an apparently reputable ‘loss recovery’ organization. Embarrassed by being duped in the past, the victim is reassured by confidentiality promised by the organization. Unfortunately, no attempt to recover money is made, and the enterprise only exists to con victims again.
- **Computer Virus Scam**  
Scammers using a pop-up window from a well-known company, claim that the consumer’s computer has been infected by a virus and that he or she must act to remove it. A phone number is given and when the consumer calls, he or she is told that they need access to their computer to remove the virus and they can fix it for a fee. In reality they are infecting the consumer’s computer.
- **Phishing**  
Email allows identity thieves a mechanism for obtaining an individual’s personal information. ‘Phishing’ is a scam by which the con artist sends an email claiming to be a legitimate business, government agency or financial institution. The recipient is asked to confirm or update information, often requesting the social security number, credit card information, passwords or other personal information. Once released, the thief is able to use the victim’s personal identifiers to get credit in his or her name and commit identity theft.

## **Warning Signs of Elder Financial Exploitation**

More important than skills or techniques, awareness is the key to identifying elder financial exploitation. Once financial institution personnel understand how prevalent exploitation is and the importance of detecting subtle signs that an elder is being exploited, they will immediately be in a position to detect instances of exploitation.

The signs listed in this section do not automatically indicate that there is a problem. However, identification of any of these signs warrant consultation with your financial institution’s point person for guidance.

### **Banking Activity Inconsistent with Usual Patterns**

Because of their familiarity with customers who come in regularly, financial institution employees are in a unique position to notice uncharacteristic financial activities of elders. This includes changes in withdrawal activity, third party involvement and any customer related concerns.

- **Withdrawal Activity**

Many elders fall into specific patterns of withdrawing monies. Dramatic changes in these patterns may indicate financial exploitation. Questionable withdrawal activity may include: large cash withdrawals, increased frequency of withdrawals, increased request for bank checks, a change in the normal time the elder comes to the branch, wire transfer activity, suspicious signatures on checks or withdrawal slips, and increased use of ATMs when there had been little or no use previously. (For that matter, financial institutions

should verify with the elder whether they plan to use an ATM or debit card, and give them the chance to opt out of having one.)

*Mrs. L. had routinely visited her financial institution every Friday to withdraw \$100. While her Social Security check continued to be direct deposited, branch employees noticed that Mrs. L. had been visiting the branch several times per week for the past two weeks, each time requesting to withdraw amounts ranging from \$500 to \$1000. Based on the change in her customary patterns, employees appropriately contacted the institution's point person for reporting for further action.*

- **Third Party Involvement**

One potential indicator of elder financial exploitation is the emergence of a third party individual in the elder's financial affairs when, historically, there has been no one involved. **Not all signs identified here automatically indicate a problem**, though. This newly involved individual may be genuinely concerned about and helping the elder. However, the presence of these indicators, especially if coupled with other warning signs, does create the need for additional questioning regarding purpose and intent. Indicators of questionable third party involvement might include:

- Customer wants to add co-signer to accounts;
- Unusual interest by third party;
- Third party insists on handling customer's financial affairs;
- New 'friend' is eager to escort customer to and assist with the financial institution;
- Third party offers investment advice, appropriate or not; and
- Increased third party check cashing.

- **Customer Concerns**

Besides changes in withdrawal activity and involvement of questionable individuals, changes in an elder's financial habits and knowledge may suggest that a concern exists. Questionable or concerning behaviors include:

- Increased confusion about banking and financial issues;
- Lack of knowledge of accounts and transactions;
- Frequent visits to the bank or credit union to clarify concerns;
- Not receiving financial statements;
- Requests to notarize forms that elder does not understand; and
- Implausible explanation of unusual activity or behavior.

*Mrs. G. typically visits her local branch once or twice per week, but recently has been coming into the branch four or five times a day for the last week. She has had a noticeable decline in her cognitive functioning and does not remember her prior visits, transactions made or information discussed. While there may not be any financial exploitation, these behaviors clearly indicate a decline and place her at increased vulnerability to fraud. In addition, this change in cognition may indicate untreated medical issues or raise other concerns about her overall well-being.*



## Observed, Questionable Interactions

As customers visit their financial institutions, branch staff are in a prime position to witness inappropriate influence by a third party. Inappropriate influence may include: using fear, threats or intimidation (physical or emotional) or helping a customer to physically sign documents. Having an elder whisper his/her concerns to prevent someone from hearing or continuously peering over a shoulder at someone watching them are strong indicators of coercion and intimidation. These behaviors may be witnessed in connection with various financial transactions, including implementation of a Power of Attorney; management of wills, trusts or other beneficiary accounts; or handling of personal financial accounts.

*Mr. R. has always completed his financial business alone. Very recently, though, he has presented at the teller window appearing very nervous. He has been requesting large sums of money, and while completing his transactions, continually peers at an unknown female lingering by the front door. After further investigation, it becomes evident that this female is his niece who has been bringing him to the branch, watching to ensure that he withdraws the money that she is requesting. Because of these concerns, the teller spoke with her manager who in turn filed a report with the financial institution's point person. This individual subsequently reported the concerns to local law enforcement and Elder Protective Services.*

## Other Possible Concerns

Beyond changes in financial habits and questionable interactions, other warning signs of elder financial exploitation include: being offered a deal that seems too good to be true and receiving unsolicited calls or emails requesting personal information.

- **Offered Deal that is Too Good to be True**

It is not uncommon to receive mailings that outline wonderful opportunities for little or no money. Unfortunately, when the notice presents a deal that seems too good to be true, it usually is. Warning signs that the offering is most likely a scam include:

- Investment opportunity that consumer does not understand,
- Dream opportunities with unknown parties.
- Elder has won a prize/lottery and needs to send money to receive the prize.
- Elder cashing (or requesting to cash) phony or questionable checks, including cashier's and/or bank checks.
- Insistence on depositing/cashing phony check within a short period of time (often within 72 hours).

*Mr. N. came into the financial institution attempting to deposit a check for \$5,000 into his account. He indicated that he was rushed, and needed to withdraw \$2,000 within 48 hours, and wire the money to Canada. When asked why he was sending money to Canada, he stated that he was one of three winners of a Canadian lottery, and the \$2,000 covered taxes and government fees. In addition, he informed the teller that if he failed to wire the money within the 48 hours, his winnings would automatically shift to the other two winners. Unfortunately, the \$5,000 cashier's check was fraudulent and Mr. N. was being drawn into a scam. Because of these concerns, the teller followed internal protocol, leading to a report to local law enforcement and Elder Protective Services.*



## Warning Signs of Elder Financial Exploitation Summary

- **Banking Activity Inconsistent with Usual Patterns**
  - Large cash withdrawals
  - Increased frequency of withdrawals
  - Increased use of ATMs when little or no use previously
  - Wire transfer requests when there was no previous history
  - Customer wants to add co-signer to accounts
  - New friend is eager to assist or shows unusual interest
  - Customer's increased confusion of finances or lack of knowledge
  - Customer's frequent visits to branch to clarify concerns
- **Observed, Questionable Interactions**
  - Use of fear, threats, or intimidation to influence
  - Helping customer to physically sign documents
- **Other Concerns**
  - Offered deal too good to be true
  - Dream opportunities from unknown parties
  - Won prize/lottery and need to send money
  - Cashing phony checks

## SECTION III: HOW TO RESPOND TO FINANCIAL EXPLOITATION

*Tina was addicted to heroin and lived with her three children, boyfriend and Mrs. D., her 94-year-old great-grandmother. Mrs. D. became very confused and Tina began to help her with bill paying. Mrs. D.'s financial institution, in a small rural town, saw a sudden increase in checks that Mrs. D. was writing to Tina, some with signatures that tellers noticed did not look 'right.' The institution's designated point person contacted Protective Services.*

*Statements and cancelled checks found in Mrs. D.'s home revealed that 3,000 checks in small amounts had been written. Tina and four of her friends had forged seventy-five of the checks. All were arrested, but the case was not prosecuted because Mrs. D. refused to testify against her great-granddaughter. She depended on Tina for help with daily activities. Protective Services helped Mrs. D. confront Tina, and worked with the financial institution to set up a system where her accounts were protected from exploitation. The financial institution assists with monthly utility paying, and has a flag on the account to check with Mrs. D. in suspicious circumstances. When Tina attempts to cash checks written to herself, the manager calls Mrs. D. to see if the check is legitimate.*

A financial institution's response to suspected cases of exploitation should be consistent, fair and effective. In order for this to happen, professionals from the institution, Protective Services

and law enforcement must work together to investigate suspected cases in a way that protects elders, while appropriately preserving their privacy. The protocol outlined in this section should guide financial institutions in their internal response to suspected exploitation, reporting procedures and release of information during investigations (See Appendix H: 'Sample Internal Reporting Policy').

The steps detailed in this section and other sections, though, should be viewed as suggestions only, and are not requirements for participation in this program. Financial institutions should develop an intervention program tailored to their particular circumstances and needs, using steps outlined here as well as other steps. The suggestions detailed here are only a foundation. The most important component of any strategy to reduce elder exploitation remains the commitment of the involved agencies to cooperate and develop productive working relationships.

### Importance of the Perpetrator-Victim Relationship

In the past, the system for reporting and investigating financial exploitation differed depending on the relationship between the perpetrator and the elder. Elder Protective Services, which may sometimes also involve law enforcement, handle personal relationship exploitation (family, friends and fiduciaries). Scam artist, or stranger, exploitation has always been reported to and investigated by the police. This division technically is still accurate. However, this section and the next section in more detail outline the ideal methods of reporting identified concerns, and when security or other designated 'point people' should handle situations.

A financial institution's initial internal response should always be the same. Tellers and customer service representatives should report suspicions to security or designated managers. **Financial institutions should designate an officer, such as security or other senior officer, to review all reports of suspected exploitation filed by financial institution employees. This 'point person' would be responsible for notifying proper authorities (i.e. Elder Protective Services or law enforcement), responding to requests for additional information from authorities, and documenting instances of suspected exploitation for the institution's internal records. The point person would also determine if filing a Suspicious Activity Report (SAR) is necessary. Having information funnel through this point person ensures that multiple tellers and customer service representatives do not call authorities and inappropriately release confidential information.** This protection for financial institutions is detailed further in Section IV of this manual.

After information is provided to the point person, a report, or consult if more appropriate, should be made to Elder Protective Services, unless the relationship is completely clear and a report is more appropriate for the police. Also, if the elderly customer is in immediate physical or financial danger, a report should be made to law enforcement before any report to Protective Services. Additional clarification of this protocol is presented in the next section on reporting.

### Internal Response – Eight Action Steps

Bank and credit union employee awareness is the key to detecting financial exploitation. When employees are alert to the symptoms of financial exploitation, they begin to observe cases that they would

not have noticed previously. If confronted with a suspicious situation, an employee should perform the following action steps in a courteous manner.

### **1. Learn the Reason for Large Transactions**

Questioning about large transactions is especially important when the withdrawals are extremely unusual for the particular elder. Try to clarify the reasons for these transactions casually, as part of normal friendly conversation when there is a suspicion of exploitation. Ask the elder and not anyone else with him or her, the reasons for the withdrawals or change in activity. *When the person with the elder does not let him or her speak or be alone, this is a red flag.*

### **2. Check Authorization if Other Party Claims to Act for the Elder**

Always check that the person claiming to be acting on behalf of an elder is authorized to do so. Signature cards must always be checked, and if the signature or transaction appears suspicious, a telephone call can be made to the elder for verification.

Many perpetrators misrepresent, or lie about, their position or powers. The suspect may tell the teller that the elder cannot visit the institution himself/herself and that the suspect is just helping. Explain politely that you need verification of the elder's wishes.

Some exploiters claim to be guardians or to possess a Power of Attorney (POA). Documentation of such should be verified. A POA may not act outside the powers given by the elder. Powers are specified in the POA document, and a POA given to pay bills does not allow the suspect to empty accounts.

*A Power of Attorney may not be obtained when an elder is demented and unable to understand what he/she is signing.* Family and others may wait until an elder is confused and disoriented before obtaining a POA. While many family and friends are well intentioned, some may look to use the POA to impoverish the elder by taking over all assets. A demented or confused elder may lack the ability to choose who will act on his/her behalf or what powers should be granted to that individual. If a previously competent elder becomes confused or disoriented, someone starts acting as a POA and there is a sudden change in financial practices, Elder Protective Services should be contacted.

### **3. Provide a Fraud Alert Form**

For large cash withdrawals (including cashier's or bank checks), warn consumers of the dangers of carrying cash and the existence of scams and exploitation. Provide all customers with a confidential crime/financial exploitation (fraud) alert form (see Appendix F for a sample form) and ask them to read and sign the document. Present the form as bank/credit union policy for all large cash withdrawals. Take the time to answer any questions that they may have concerning the document and read it to them if necessary. Be sure to point out that the purpose of the document is to help protect the consumer. If the elder strongly objects to the form, refer them to security or a manager.

This form is one of the most important deterrents to financial exploitation. Time is the enemy of the financial exploiter, especially the scam artist. The longer the employee talks with the elder, the better the chance is that the exploitation will be prevented. The elder may recognize the fraud or, more commonly, the exploiter will become apprehensive and leave the scene.

#### 4. Be able to Describe the Suspect (Use Photographic Evidence if Possible)

Photographic evidence is critical for identifying scam artists, or persons unknown to their elder victims. A surveillance photo may be the only way for authorities to identify the perpetrator. In cases of family, acquaintance or fiduciary exploitation, a surveillance photograph can effectively disprove a suspect's claim that he/she never tried to cash forged checks or make withdrawals. If possible, try to position the suspect so the cameras get a recognizable picture, as many experienced exploiters will attempt to avoid surveillance cameras.

#### 5. Consult with Security or Management

Your institution will establish clear guidelines regarding the stage at which security must be notified about suspicious circumstances. However, you should feel free to consult with senior officers or security at your institution any time you feel uneasy about a situation. In addition, your institution's management may require you to complete an 'Incident/Suspected Abuse Form (Appendix G),' even if you were satisfied with the responses provided by the customer.

#### 6. Ask the Elder to Speak with Management or Security

If the elder, or anyone accompanying the elder, objects to your actions or questions, politely repeat that the policy is intended to help customers. The caution reflects the institution's commitment to protecting customer funds by ensuring that withdrawals are free from fraud or other improper influence. At that point, you should ask the elder to speak with security or management, who can explain the reasons for your actions.

#### 7. Interview in Private and Alone (if Possible)

Speak to the customer in private without the other person present, if possible. The elder will probably not speak freely in front of a victimizer, or the offender may intimidate the elder in order to keep him or her from revealing the exploitation. *Unwillingness on the part of a companion to let bank or credit union personnel talk to the elder is a 'red flag' that abuse may be occurring.*

Financial institutions should establish their own guidelines in deciding the best person to speak with the elder. Some may prefer that a security officer or other designated administrator conduct all interviews. Others may have tellers and customer service representatives conduct at least some of the interviews. An elder who is a regular customer may have an established relationship with a teller, for example, and may find it easier to speak with him/her.

#### 8. Responding when Immediate Danger

There may be situations when interviewing the elder may create more harm or danger. *If you believe that an interview may result in physical or financial harm or retribution to the elder, do not attempt an interview prior to contacting Protective Services or the police, as appropriate.* Alerted suspects, including family, caregivers and fiduciaries, have been known to panic and clean out joint accounts, complete transactions that result in further irreversible exploitation or physically harm the elder.

Reports can be filed based solely on statements by others, written records and observed patterns and behaviors. While an interview may clarify the situation, a customer's safety remains the priority. *If you feel that there is a significant threat to a customer's safety, you should notify security or your point person immediately, ideally before the customer leaves the premises.* Err on the side of caution, and allow security to handle the situation if you are at all anxious.

## Talking with Older Consumers

### Reluctance to Admit Abuse

People of any age may be reluctant to reveal that they have been abused or financially exploited. In situations where a child, grandchild or other relative, a friend, an acquaintance, a caregiver or a fiduciary is responsible, elders can be especially hesitant to disclose what is occurring. This reluctance may be due to shame, embarrassment, fear of retaliation, physical or mental limitations, or a lack of understanding of financial or caregiving alternatives. Elders also may be uncomfortable with getting someone close to them in trouble. In addition, elders may be afraid that admitting they need help may result in their being placed in a nursing home.

Similarly, elders may be extremely reluctant to report instances of scam artist exploitation because they may find it difficult to believe that, with all of their years of experience, someone took advantage of them. They are frequently too embarrassed to report these incidents.

### Framework for Questioning

The elder, not the person accompanying them, should be asked the reason for the transaction. Most family members and acquaintances are acting in the elder's best interests. As such, only inquire directly about the reason for the transaction when there is a suspicion of exploitation.

Questioning should be done casually as part of normal friendly conversation. It is important to start with clear, non-threatening questions that establish a caring relationship. Emphasize and validate the customer's feelings. They may feel impatient, confused, fearful, embarrassed, or guilty about your inquiries. Do not blame elders for what is happening. Instead, point out that increasing numbers of people are being victimized.

Do not state that your concerns stem from the fact that the customer is elderly. Instead, direct questions should be factually based. You should clearly state the factual reason for your concern. For example, note that there has been a sudden increase in the frequency and amount of money withdrawn by family members, or that the financial institution is aware of other customers targeted by scam artists. Asking 'Do you feel that your companion is attempting to improperly obtain money from your account' is likely to make anyone defensive.

### Key Questions

Particular questions should be tailored to the customer's specific situation and the relationship the teller has with the elder. However, listed below are several questions that might be posed during an interview.

- Are you related to the person who accompanied you today? How did you meet him/her?
- Is your daughter helping you with financial matters these days? She has been coming in.
- Do you plan to give some of the funds withdrawn to this person?
- Do you mind if we ask why you are giving this person such a substantial amount in cash?
- Have you signed, or been asked to sign, any forms or documents lately that you do not understand?
- Did someone claiming to have found a lot of money ask you to make this transaction?

- There are a lot of scams out there involving people pretending to be a grandchild in trouble or people pretending that you have won a lottery and need to pay taxes. Are you aware of these common scams?
- Are you sure you want to carry this much cash? Would it be safer to consider a different form of payment?

### Concluding the Interview

You should conclude the interview by asking if there are other ways the institution can help. This respectful approach accomplishes two purposes. First, it lets the elder know that you will try to help them. Second, it allows the elder the opportunity to decide how to handle the situation.

Let the elder know what alternatives exist, such as using cashiers' checks or travelers' checks instead of large cash withdrawals. Make sure that the elder knows the institution is willing to help, but always allow the elder to make the final decision or develop a plan of action. If the elder appears unusually disoriented or confused during the interview, this should be reported to the local Protective Services agency.

### Points to Remember

- Time is the enemy of the financial exploiter.
- Do not say that you are concerned simply because the customer is elderly.
- Justify your concerns and emphasize your commitment to protecting customers.
- Empathize with the customer and validate feelings – tell them they are not alone.
- Ask clear, non-threatening factual questions.
- Do not let anyone else speak for the elder. This is a 'red flag' that something is wrong.
- If the elder appears unusually disoriented or confused during the interview, this should be reported to the local Protective Services agency.

### Action Steps

- Learn the reason for the large transaction
- Check authorization/documentation to act for the elder
- Provide a Fraud Alert Form
- Be able to describe the suspect
- Consult with security/point person or management
- Ask the elder to speak with management or security
- Interview in private and alone
- Respond when immediate danger



## SECTION IV: HOW TO REPORT FINANCIAL EXPLOITATION

*Miss G., age 92 had been hospitalized for a year due to a fractured hip and bedsores. Miss G. agreed to a neighbor's 23-year-old daughter, Loren, being added to her accounts. Loren was paid \$50 per month for her help. When Miss G. discovered that Loren had been writing checks for her own purchases, she called Elder Protective Services. She wanted to press charges for the theft of \$3000 and to have her money returned. Miss G.'s bank, with her consent, helped with the investigation by providing copies of missing statements and 29 canceled checks showing personal use of the elder's money by Loren. A signatory of a joint account had withdrawn the money, so the District Attorney could not prosecute. In addition, a private attorney believed that the cost of a small claims suit would exceed the amount of the original loss.*

*The Protective Services caseworker met with Miss G., Loren and her father. Loren's family agreed to repay the money in return for a written statement from Miss G. that she would not pursue legal action. Miss G.'s nephew is now helping her with bill paying.*

As mentioned in Section III, where financial institutions report the financial exploitation depends on the relationship between the elder and the alleged perpetrator. Elder Protective Services is responsible for investigating cases where this relationship is ongoing and personal, defined as 'at least intermittent contact of a non-business nature.' All other exploitation should be reported to law enforcement. The point person should also determine if reporting to the Financial Crimes Enforcement Network (FinCEN) is necessary via a Suspicious Activity Report (SAR) or Currency Transaction Report (CTR).

Adhering to this definition, financial institutions would be required to make a determination about the relationship prior to filing a report. Unfortunately, this would create unnecessary, often time-consuming work for a financial institution. In addition, there may be scam situations that are handled by law enforcement as well as Protective Services. If an elder is unable to meet his/her basic needs because monies have been taken in a scam, then a reportable condition of self-neglect exists. Because the intent is to have a simple, streamlined protocol, it is strongly recommended that all reports (or consults) go to Elder Protective Services, unless jurisdiction clearly falls elsewhere. If the situation is more appropriate for another investigatory agency, Protective Services should inform the reporter of this. As mentioned previously, if the elder is in immediate physical or financial danger, the police should be contacted prior to any Protective Services report.

### Process for Reporting

There are two methods to report alleged financial exploitation to Elder Protective Services by phone or online. Below are the procedures for both methods, but please **keep in mind that you only need to file through one method, either by phone or online but not both.**



## Procedure for filing an elder abuse report by phone:

1. Oral report from employee to designated manager/security of the financial institution
2. Designated manager/security makes immediate oral report to Protective Services
3. Written report sent to Protective Services and report filed for internal review

- **Oral report from employee to designated manager/security of the financial institution**

Any suspected elder financial exploitation should be reported orally to the institution's security officer or the designated manager. This is also referred to the institution's 'point person' for reporting to Protective Services. Any documentation required by the financial institution also should be completed. The employee should not contact Protective Services him/herself. Doing so may lead to a violation of existing federal financial privacy guidelines.

The reviewing security officer or 'point person' will discuss the matter with the employee reporter (usually a teller or customer service representative) to see whether further action is warranted. Financial institution employees should seek to alert security of suspicious activity as soon as possible. Timely response is critical because all types of abuse tend to increase in severity and frequency over time. With financial cases, accounts can be drained very quickly and losses may be irreversible. In no case should a report take place later than the beginning of the following business day.

- **Designated manager/security makes immediate oral report to Protective Services**

On receiving an employee's report, the point person or security must decide whether there is sufficient evidence to warrant a report and, based on that assessment, must properly follow up. The financial institution does not need to confirm that exploitation is occurring before reporting. Rather, officials must have 'reasonable cause to believe' that an elder may have suffered or is suffering from financial exploitation, abuse or neglect.

'Reasonable cause to believe' is a belief that financial exploitation may be taking place based on specific facts, either observed or learned from a reliable source. This belief need not be strong— it only needs to be a suspicion. A common sense way to understand the 'reasonable cause' standard is to think of it as the 'hair-on-the-back-of-your-neck' test. When something does not seem quite right and the hair on the back of your neck stands up, reporting is appropriate. Consultation with the local agency prior to reporting also may be appropriate.

Assuming the situation meets the standard of a reportable condition, security will orally report the situation to the designated local Protective Services agency during business hours or the Elder Abuse Hotline (1-800-922-2275) 24 hours a day. The local Protective Services agency will conduct the investigation and provide any follow-up services as appropriate. Lists of the Protective Services agencies and towns covered are located in Appendices A and B.

- **Written report sent to Protective Services and report filed for internal review**

After discussing the matter with the employee reporter, security should fill out an Incident/Suspected Abuse report. A sample that can be adapted to your individual financial institutions is located in Appendix G. The written report should be completed within 48 hours of the initial oral report to the Protective Services agency. Security also may attach relevant information to the report to facilitate the investigation if appropriate confidentiality is maintained. Finally, a copy of this report should be maintained internally for future reference if needed.

Procedure for filing an elder abuse report online:

1. Oral report from employee to designated manager/security of the financial institution
2. Determine whether it is appropriate to use the online reporting system or whether the report must be filed over the phone to the elder abuse hotline
3. File the report online

- **Oral report from employee to designated manager/security of the financial institution**

This step should be the same as making a report over the phone. Any suspected elder financial exploitation should be reported orally to the institution's security officer or the designated manager. This is also referred to the institution's 'point person' for reporting to Protective Services. Any documentation required by the financial institution also should be completed. The employee should not contact Protective Services him/herself. Doing so may lead to a violation of existing federal financial privacy guidelines.

The reviewing security officer or 'point person' will discuss the matter with the employee reporter (usually a teller or customer service representative) to see whether further action is warranted. Financial institution employees should seek to alert security of suspicious activity as soon as possible. Timely response is critical because all types of abuse tend to increase in severity and frequency over time. With financial cases, accounts can be drained very quickly and losses may be irreversible. In no case should a report take place later than the beginning of the following business day.

- **Determine whether a report is necessary and if it is appropriate to use the online reporting system**

Similar to filing a report over the phone, on receiving an employee's report, the point person or security must decide whether there is sufficient evidence to warrant a report and, based on that assessment, must properly follow up.

The financial institution does not need to confirm that exploitation is occurring before reporting. Rather, officials must have 'reasonable cause to believe' that an elder may have suffered or is suffering from financial exploitation, abuse or neglect. 'Reasonable cause to believe' is a belief that financial exploitation may be taking place based on specific facts, either observed or learned from a reliable source. This belief need not be strong— it only needs to be a suspicion. A common sense way to understand the 'reasonable cause' standard is to think of it as the 'hair-on-the-back-of-your-neck' test. When something does

not seem quite right and the hair on the back of your neck stands up, reporting is appropriate. Consultation with the local agency prior to reporting also may be appropriate.

Once it has been determined that a report is necessary, the point person must determine whether it is appropriate to use the online reporting system or whether the report needs to be filed over the phone. **There are three instances where you CANNOT use the online reporting system:**

1. Emergency or urgent situations that require immediate attention from Protective Services as it may take more than 24 hours to process an online report;
2. You want to report anonymously. Filing online requires you to submit your name;
3. You do not have the name and home address of the victim. The online reporting system will not allow you to file such reports.

If any of these situations apply you must make a verbal report to the Massachusetts Elder abuse Hotline at 1-800-922-2275.

- **File the report online**

Reports can be filed online by visiting <https://fw1.harmonyis.net/MAAPSLiveIntake> or [www.mass.gov/elder](http://www.mass.gov/elder).

The web intake system consists of six sections in the order listed below:

1. Reporter information (**required**)
2. Incident information (**required**)
3. Alleged victim information (**required**)
4. Alleged perpetrator information (**required** *if not a self-neglect report*)
5. Other participant information
6. Attachments

Each section has fields that are essential to the intake process and are marked required. The web intake system also provides a help feature. When selected a web dialog box will appear.

**Reporter Information**

► If this report is an emergency or requires immediate attention, DO NOT file an online report. Additionally, if you do not have the full address where the elder resides you will not be able to file an online report. In such instances please make a verbal report to the Massachusetts Elder Abuse Hotline at 1-800-922-2275. When filing an online report it is important to provide as much detail as possible and complete all required fields. If you include your email address you will receive an email confirmation for your records after the report is submitted.

Mandated Reporter required  ?

Reporter Employer

First Name required  Last Name required  Middle Initial

Street required

Street 2

City required  Clear State required  Clear Zip Code required  Clear

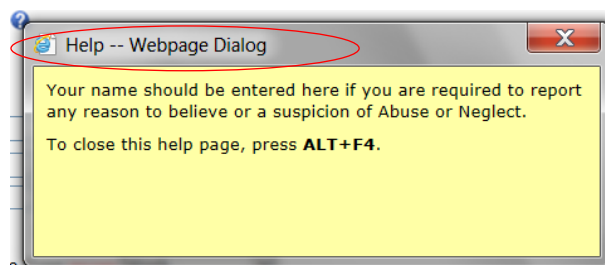
Phone required  ? Extension  Phone Type required  ?

Email Address  ?

Relationship to Alleged Victim  ?

Best time to contact  ?

1000 characters remaining



The city/state and zip code fields appear in multiple sections throughout the web intake. These fields have built in functionality to help users choose the correct information. All city/towns and zip codes are linked so that only the appropriate information will appear based on selected city or town. **Enter data into these fields slowly and allow the drop downs menus to populate before making your selection.** If incorrect information is used you must use the “clear” buttons.

City required  Clear State required  Clear Zip Code required  Clear

Phone required  ? Extension  Phone Type required  ?

Email Address  ?

01864  
01889  
Items 1-2 out of 2

Reporter Information Section: This section contains all of the data fields relative to the Reporter. This information is used by Protective Services Agencies to be able to follow up with Reporters. To receive email verification of your web intake, you must enter you email address into the Reporter information section.

**Reporter Information**

» If this report is an emergency or requires immediate attention, DO NOT file an online report. Additionally, if you do not have the full address where the elder resides you will not be able to file an online report. In such instances please make a verbal report to the Massachusetts Elder Abuse Hotline at 1-800-922-2275. When filing an online report it is important to provide as much detail as possible and complete all required fields. If you include your email address you will receive an email confirmation for your records after the report is submitted.

Mandated Reporter *required*

Reporter Employer

First Name *required*  Last Name *required*  Middle Initial

Street *required*

Street 2

City *required*   State *required*   Zip Code *required*

Phone *required*   Extension  Phone Type *required*

Email Address

Relationship to Alleged Victim

Best time to contact

1000 characters remaining

Incident Information Section: This section contains all of the information pertaining to the incident that caused you to report. **It is necessary to fill out the city/town, state and zip of the alleged victim's residence as this will assign it to the correct Protective Service Agency.** To complete the assignment, you must manually select the Protective Service agency and who will screen the report. Once you enter the Alleged Victim's residency information, the correct PS Agency and Screener will be the only option available in the drop down menu.

City Where Alleged Victim Resides *required*   State Where Alleged Victim Resides   Zip Code Where Alleged Victim Resides *required*

Protective Service Agency *required*

APS Report to be Screened By *required*

Has law enforcement been involved?

Is this a Self-Neglect report? *required*

Scree Highland Valley Elder Services, Inc. Normal Review

Items 1-1 out of 1

The answer to the self-neglect question determines whether or not the system will require you to enter an Alleged Perpetrator before submitting. Elders who are self-neglecting should not be labeled as an Alleged Perpetrator.

Participant Information Sections: To add information into the remaining sections, you must first “add” the section. Select the “add” button located to the right of the section description. When selected, a new screen will appear which consists of all of the demographic information needed. You can edit the information or delete the participant by using the “edit” and “delete” button. These buttons will appear once a participant is added.

- Alleged Victim Information	Add Edit Delete
- Alleged Perpetrator Information	Add Edit Delete
- Other Participant Information	Add Edit Delete

**Alleged Victim Information**
Copy Address From
 Spell Check
 Save
 Add Another
 Cancel

► In this section, please provide the name of all persons that you believe are involved in this event.

First Name required 
 Last Name required 
 Middle Initial

Gender required 
 Date of Birth 
 Age Estimated required

SSN

Street required 
 Street 2

City required 
 State required MA
 Zip Code required

Contact Phone Number 
 Ext. 
 Phone Type

Secondary Phone Number 
 Ext. 
 Phone Type

Email Address

Primary Race required 
 Ethnicity required

Marital Status required 
 Living Arrangements required

At Risk from Perpetrator required

Primary language spoken required 
 Interpreter/Translator Needed? ☐

Attachments: This section is similar to how you add a participant. Prior to saving, please add a brief description of this attached file.

- Attachments	Add Delete
---------------	------------

**Attachments**
Save
 Add another
 Cancel

File 
 Browse...

Description

Note: Maximum size for attachment is 4.00MBytes

Submission: When you have completed your web intake, you will submit it using the “submit” button located on the top right of the form. A pop up box will appear notifying you that your web intake has been submitted. Select “OK”.

**MA Adult Protective Services Report** Copy Address From Spell Check Submit Cancel

**Reporter Information**

› If this report is an emergency or requires immediate attention, **DO NOT** file an online report. Additionally, if you do not have the full address where the elder resides you will not be able to file an online report. In such instances please make a verbal report to the Massachusetts Elder Abuse Hotline at 1-800-922-2275. When filing an online report it is important to provide as much detail as possible and complete all required fields. If you include your email address you will receive an email confirmation for your records after the report is submitted.

Mandated Reporter required  ?

Reporter Employer

First Name required  Last Name required  Middle Initial

Street required

Street 2

City required  Clear State required  Clear Zip Code required  Clear

Phone required  ? Extension  Phone Type required Work

Email Address  ?

### Frequently asked Questions about online reporting

1. Should I put my personal address information?  
It is recommended that you put your work address information into the system if you are filing in your professional capacity.
2. Can web intakes be used for emergency situations?  
No. Web intakes should only be used for situations not requiring immediate attention. If you have an emergency situation it is required that you file an oral report using the Elder Abuse Hotline.
3. If I do not know where the elder resides can I use the web intake?  
No. Where the elder resides determines which Protective Service Agency will review the intake form. If you do not know where the elder resides, you must make an oral report using the Elder Abuse Hotline.
4. How long will it take for my web intake to be reviewed?  
In most cases, web intakes are reviewed the same day. Regulations allow up to 48 hours.
5. Can I do one web intake for multiple victims?  
No. You must file a web intake for each individual victim.



## Reporter Confidentiality

Regardless of the nature of the report, the Protective Services agency always keeps the identity of the reporter confidential. Financial institutions may choose to inform a customer of their intention to report a situation. While the elder or an authorized fiduciary may release records, all information obtained from the financial institution and other sources is held as confidential. Employees can rest assured that their names will not be revealed by Protective Services during the investigation process, except to a District Attorney or by direct order of a judge. However, it is possible that financial institution employees might be called at a later date to testify in court.

## Legality of Reporting

Financial institutions are charged with preserving consumer confidentiality by adhering to the privacy provisions outlined in the Gramm-Leach-Bliley Act and their own respective regulations. Can a financial institution legally report their concerns and what do they report to not violate any federal privacy guidelines? **Based on assessment by legal counsel, various Massachusetts Attorneys General, and incorporation of information from federal financial regulatory agencies, it was determined that financial institutions can legally report their concerns to Protective Services without breaching customer confidentiality.**

In 2013, several federal regulatory agencies jointly issued the “Interagency Guidance on Privacy Laws and Reporting Financial Abuse of Older Adults”<sup>1</sup> to clarify whether the Act’s privacy provisions apply to reporting suspected financial exploitation of older adults. The Guidance indicates the law contains four exceptions that may apply and notes two permissible examples of disclosure under the fraud exception specifically relevant to elder financial abuse. The exceptions address protecting against actual or potential fraud, unauthorized transactions claims, or other liability while remaining compliant with applicable privacy laws and requirements for reporting abuse. The Guidance concludes by stating: “Generally disclosure of nonpublic personal information about consumers to local, state, or federal agencies for the purpose of reporting suspected financial abuse of older adults will fall within one or more of the exceptions.”

During the reporting phase, the financial institution can maintain customer confidentiality by reporting the nature of the incident and involved parties, while withholding specific account information or documents until appropriate procedures have been followed during the investigation phase. The report to Protective Services should include:

- Name, age (actual or estimated), address, and telephone number of the elder;
- Name, relationship, address, and telephone number (if known) of the suspected perpetrator;
- Description of the suspicious circumstances that gave rise to the report (for example, abusive comments by a relative while the elder withdraws cash, an uncharacteristic pattern of high cash withdrawals, or ATM withdrawals at different financial institutions when the elder is known to have limited mobility);

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<sup>1</sup> Issued on September 24, 2013 by the Board of Governors of the Federal Reserve System, Commodity Futures Trading Commission, Consumer Financial Protection Bureau, Federal Deposit Insurance Corporation, Federal Trade Commission, National Credit Union Administration, Office of the Comptroller of the Currency, and Securities and Exchange Commission.

- Origin of the report (for example, the particular branch, and if applicable, employees(s) who first learned of the suspicious circumstance(s));
- If other agencies are presently involved (for example, local police, state or federal regulators);
- Emergency or non-emergency nature of the report (for example, when an immediate response is necessary due to the likelihood of immediate and substantial irrevocable loss).

*Financial institutions should not release confidential account information - customer account numbers, balances, or social security numbers - without proper authorization, as defined under 'Investigation by Protective Services.'* By having a designated point person responsible for all reporting based on the aforementioned criteria, financial institutions can significantly minimize the chances that confidential customer information will be disclosed.

### **No Civil or Criminal Liability for Reporting Abuse**

If a financial institution files a report of abuse, there is no civil or criminal liability unless a) the report was made in bad faith, or b) the reporter is actually the perpetrator of the abuse. Filing a report in 'good faith' means having an honest and sincere intention to fulfill one's obligations, with the absence of any intention to seek an unfair advantage or to defraud another party.

This protection, which is based on the language of Massachusetts General Laws (M.G.L.) Chapter 19A, section 15(d), is very similar to the protection provided to financial institutions as part of the Suspicious Activity Report (SAR) 'safe harbor' provision of the Annunzio-Wylie Anti-Money Laundering Act found at 31 U.S.C. 5318(g)(3). This provision states 'Any financial institution that makes a disclosure of any possible violation of law or regulation or makes a disclosure pursuant to this subsection or any other authority... shall not be liable to any person under any law or regulation of the United States, any constitution, law or regulation of any State or political subdivision of any State,...for such disclosure...'

Thus, financial institutions and their employees are authorized to contact Protective Services in suspicious cases. In addition, section 15 of M.G.L. 19A specifies that employers may not retaliate, in any manner, against an employee who files a report of elder abuse in good faith.

### **Protection from Liability for Not Making a Report**

Unlike many other states, Massachusetts does not impose on financial institutions a statutory duty to report suspected financial exploitation. Financial institutions are not included in the list of mandated reporters identified in M.G.L. Chapter 19A section 15(a). Rather, the language of M.G.L. Chapter 19A section 15(c) would apply to financial institutions: 'Any other person may make such a report...'

While this standard is permissive, financial institutions should not overlook the potential for liability for not reporting to appropriate authorities. Although rare, financial institutions or employees who blatantly fail to detect or report financial exploitation may be held civilly liable.

## Investigation by Protective Services Agency

### Investigation Process

Following the receipt of a report of abuse or exploitation from a financial institution or other reporter, the Protective Services agency screens the report. During the thirty-day investigative period, a caseworker will contact the elder, visit his/her residence and contact other service providers and potential witnesses. As part of this process, the worker may contact the elder's financial institution for specific financial information. The request for information may include a request for account numbers, statements, cancelled checks or other specific account details. Once the worker gathers all of the information, a decision is made regarding whether to open the case for abuse or exploitation.

### Cooperation in Releasing Information

The financial institution must balance the interest of immediately providing Protective Services with information to address the alleged exploitation with the interest of respecting customer confidentiality. When additional, confidential account information is requested, it is recommended that financial institutions observe the following procedures.

- **Release of Bank Records**

When a caseworker from Protective Services requests further information about a customer's accounts, the procedure to be followed will depend on the condition of the elder.

- **Competent Elder**

Unless the elder is requesting the information him/herself, a mentally competent elder must always provide written consent for the release of financial records. All elders are presumed to be competent until adjudicated otherwise by a court of law. However, Protective Services is charged with determining whether the elder has the 'capacity to consent.' Capacity to consent is defined as an elder's ability to understand and appreciate the nature and consequences of decisions, including the benefits and risks of and alternatives to any proposed services, and to reach an informed decision.

When it is determined that the elder has the capacity to consent, the caseworker will have the elder sign a 'Consent to the Release of Information' form (see Appendix E). This form should specifically detail the information that is being requested. If there is a language barrier, a dual language (English and other identified language) form may be used. The release form was specifically designed as part of this training program for use with financial institutions, with the following recommendations for its use:

- The form must be completed on the letterhead of the Protective Services agency.
- While the elder may accompany the worker to the financial institution, he/she may not be present. As such, the form will have a witness' signature.

- Some financial institutions may require the signatures to be notarized. This was not the original intent of the form, as it tends to slow the process down. If this is a requirement for your institution, you should inform Protective Services of this as part of on-going communication.
- Faxed consent forms do not provide legal signatures, and should not be accepted unless internal policies dictate otherwise.
- Financial institutions are encouraged to request a caseworker's identification when presenting the consent form.
- Consent forms are only valid for six months from the date signed (noted on form).
- Financial institutions should inform Protective Services where the signed forms should be delivered (e.g. central office, designated person, etc.).

Once received, the financial institution may immediately release the specified information

#### ○ Power of Attorney or Court Appointed Fiduciary

When there is a court appointed fiduciary or certain types of Powers of Attorney, the authorization to release information can be provided by this individual. When a more general Power of Attorney exists, the competent elder must authorize the release of information. If the fiduciary refuses to sign a release or provide sufficient information, the caseworker may seek a court order to obtain records and/or information, as well as to temporarily safeguard any exposed accounts.

#### ○ Elder Lacks the Capacity to Consent and No Fiduciary is Present

In cases where the elder is not competent to sign a release form and no substitute decision maker is in place, Protective Services will seek court intervention to obtain financial documents. A Protective Order through the courts may be used to obtain financial documents, secure accounts or take other action as identified by Protective Services. In addition, an agent of the court or court appointed fiduciary may obtain additional financial information.

### Cost of Providing Financial Records

Each financial institution has its own guidelines regarding fees for research and copying of records. However, many elders are unable to pay for copying and research, and funds available to Protective Services are very limited. Financial institutions are encouraged to discuss their policies on charging for research and copying with Protective Services and, as able and appropriate, to waive or reduce their fees.

### Participation of Bank or Credit Union Employees in the Investigation

Certain investigations may require the caseworker to contact the teller for information beyond financial records. The teller may have more details regarding an elder's behavior or observations of

an interaction between an elder and the alleged perpetrator. While initial contact should funnel through security or another designated point person, other financial institution personnel, such as tellers or customer service representatives, may be contacted. To preserve confidentiality and privacy, any financial institution employee should contact security or management if a caseworker contacts them requesting assistance or information. This will ensure that any release is done according to your institution's procedures. Furthermore, this process should occur quickly as time is often critical in protecting an elder's assets.

### **Beyond the Investigation**

Upon the completion of an investigation, the Protective Services agency will make a determination whether abuse is occurring. When abuse, neglect or exploitation are substantiated, the agency, with the elder's consent, will act to protect the elder from further abuse or exploitation. The Protective Services agency may pursue court ordered services to protect elders who are unable to consent due to cognitive/mental or physical impairments, such as Alzheimer's disease. Additional detail on service planning, types of services and other specifics about the Protective Services Program are located in Section VI.

### **Reporting Scam Artist Exploitation**

Because scam artist exploitation is committed by strangers, who are often transients, reporting and investigating this kind of exploitation often requires a different, more immediate response from financial institution employees. Unlike acquaintance and fiduciary exploitation, suspected scam artist activity should be reported directly to local law enforcement. However, if the relationship (stranger versus personal relationship) is unknown, financial institutions are strongly encouraged to report the situation to Protective Services, letting the agency determine appropriate jurisdiction. Immediate risk to an elder's physical or financial well-being should immediately be reported to law enforcement.

While Protective Services does not normally become involved in scam artist situations, joint reports to law enforcement and Protective Services may be warranted. An elder falling victim to a scam would be reported to the local police. The fact that the elder is unable to meet her basic daily needs because of the scam would be reported to Protective Services as self-neglect.

*The local financial institution has become concerned about Mrs. T. as she has appeared at the branch several times over the past few days requesting large sums of money in either cash or a cashier's check. After casual questioning, it became clear that she was the victim of a lottery scam, and was apparently still being victimized by other scams. Because of the various scams, she had lost most of her savings account nest egg, and was now having difficulty paying bills on her limited fixed income. She was no longer able to pay for her various medications, and she had begun to receive notices from utility companies for nonpayment of bills. Because of these concerns, a report was filed with local law enforcement and Elder Protective Services.*

## Process for Filing a Report with law Enforcement

- **Contacting Security**

Financial institution employees who become aware of possible fraud should alert their security officer/point person prior to reporting the matter to local police. However, in emergency situations where delay might cause the suspect to get away or cause physical harm to the elder, the employee should call the police immediately. Oral follow-up with security would then occur.

- **Contacting Law Enforcement**

During the reporting phase, the financial institution preserves customer confidentiality by reporting the nature of the incident and involved parties, withholding specific account information and documents until appropriate procedures are followed. The report to the police should include:

- Name, age (actual or estimated), address, and telephone number of the elder;
- Full description of the suspected perpetrator(s);
- Description and license number (if known) of the perpetrator's vehicle;
- Description of the suspicious circumstances that gave rise to the report;
- Location of the incident (e.g. particular branch, employees involved or with knowledge).

## No Civil or Criminal Liability for Reporting

If a financial institution contacts the police concerning a suspected crime, there is no civil or criminal liability unless the report is made in bad faith. However, if a financial institution fails to report or prevent an instance of elder abuse, particularly financial exploitation, it may be civilly liable if its failure was negligent.

## THREE STEP REPORTING

ELDER PROTECTIVE SERVICES	SCAM ARTIST EXPLOITATION
<p style="text-align: center;"><b><u>Oral Report</u></b></p> <ul style="list-style-type: none"> <li>From employee to designated manager/ security (point person).</li> <li>No later than next business day.</li> <li>Employee does not contact PSA.</li> </ul> <p style="text-align: center;"><b><u>Oral Report to PSA</u></b></p> <ul style="list-style-type: none"> <li>Point person makes immediate oral report to PSA.</li> <li>Written report follows within 48 hours.</li> <li>Content of report: <ul style="list-style-type: none"> <li>▶ Name, age, address and telephone number for elder.</li> <li>▶ Name, relationship and address of suspect.</li> <li>▶ Description of circumstances.</li> <li>▶ Origin of report.</li> <li>▶ Others involved.</li> <li>▶ No confidential account information.</li> </ul> </li> </ul> <p style="text-align: center;"><b><u>Written Report</u></b></p> <ul style="list-style-type: none"> <li>Written report filed by security/ management for internal review.</li> </ul>	<p style="text-align: center;"><b><u>Oral Report</u></b></p> <ul style="list-style-type: none"> <li>From employee to designated manager/ security (point person).</li> <li><b>Emergency procedure: Employee makes report to police prior to oral notification of security/manager.</b></li> </ul> <p style="text-align: center;"><b><u>Oral Report to Police</u></b></p> <ul style="list-style-type: none"> <li>Point person makes immediate oral report to police.</li> <li>Contents of report: <ul style="list-style-type: none"> <li>▶ Name, age, address and telephone number for elder.</li> <li>▶ Full description of suspect.</li> <li>▶ Description of incident.</li> <li>▶ Location of incident.</li> <li>▶ Description of suspect's car and license number, if known.</li> <li>▶ No confidential account information</li> </ul> </li> </ul> <p style="text-align: center;"><b><u>Written Report</u></b></p> <ul style="list-style-type: none"> <li>Written report filed by security/ management for internal review.</li> </ul> <p><i>If elder not able to meet basic needs, file an additional report with PSA. Also, if not sure whether PS or police, banks encouraged to file with Protective Services.</i></p>

## SECTION V: HOW TO PREVENT FINANCIAL EXPLOITATION

*Two elderly women, retired school teachers, lived together. They had compiled substantial life savings, and could pay for private home health aides to provide services in order to remain at home. An aide was hired who, over a period of six years, became a trusted friend, but also developed a cocaine addiction. Because neither elder was able to travel to the bank, they relied on this aide for deposits and withdrawals. Mrs. D. would complete the withdrawal or deposit slips and the aide would go to the branch. However, the aide, on the way to the bank, would increase the amount of the withdrawal, keeping the monies not redeposited, in cash. On other occasions, she would forge the elder's signature on withdrawal slips. In one year, the aide was able to steal about \$30,000 to support her cocaine habit. After a period of time, the institution became concerned by the unusual transactions and contacted the elders. Additional information about financial exploitation was mailed to the elders, and the elders confirmed that the*



*withdrawal slips were being altered and money stolen. From that point, appropriate referrals were made and the elders worked with authorities to deal with the problem aide.*

## **Financial Institution Participation in Preventing Exploitation**

Financial institutions can play an important role in enhancing public awareness of financial exploitation. By designing and implementing preventative measures, financial institutions can help reduce the risk of exploitation for their older customers. Of course, no preventative measure will guarantee that older customers will never be victimized or that financial institution employees will identify every case of exploitation. New scams and methods of bypassing security procedures are developed daily. Still, simple strategies can greatly reduce the risk.

The considerable variety of financial institutions in terms of their relative size, resources, and internal procedures necessitates the consideration of diverse approaches to prevention. As such, this section presents numerous options that may be tailored to the specific needs of individual banks and credit unions.

There are three main components to the successful prevention of financial exploitation: community outreach and consumer education; customer services geared toward the needs of older customers; and financial practices and product lines designed specifically to safeguard older consumers.

### **Community Outreach**

- **Educational Materials**

Educational brochures can help consumers recognize the potential for exploitation by family and acquaintances, including home health aides, and can communicate simple, common sense steps that can be taken to protect their assets. It is typically more difficult to get customers to consider the possibility of relationship exploitation than it is to have them recognize the threat of scam artist exploitation. The notion that people we know and trust may take advantage of us is more disturbing than the possibility of being victimized by disreputable strangers. For many, it is easier to accept that they could be exploited if they hear that people like themselves have been victimized, and that there are ways to prevent exploitation without jeopardizing treasured relationships.

In addition, since successful scams depend on the voluntary participation of victims, community education that makes consumers aware of particular con games is an extremely effective deterrent. As such, presenting educational materials in varied manners can and has been very effective in educating consumers and preventing exploitation. Also, this simple precaution is often greatly appreciated by customers.

As part of this Preventing Elder Financial Exploitation program, two consumer brochures, entitled ‘Don’t Be a Victim– Protect Your Savings’ and ‘Financial Exploitation of Seniors Is More Common than You Think,’ were developed. See Appendices J and K for more information. Financial institutions may choose to develop similar brochures and educational materials as part of outreach.

In addition, educating older consumers about the risks of reverse mortgages is critical if your bank or credit union offers this product. Fortunately, in Massachusetts counseling by an approved agency is mandatory for all borrowers prior to obtaining a reverse mortgage. Refer to Appendix I of this manual for more information.

Brochures, flyers and other notices are a useful tool when trying to reach a variety of consumers. Educational material can be displayed in branch lobbies as can notices or signs that the financial institution participates in this program. Additionally, financial institutions can include the consumer brochure or other informational material as statement stuffers. For customers who do not visit the branch or may have overlooked posted material, this mailing reinforces the financial institution's participation and warnings about financial exploitation.

- **Presentations, Seminars, or Social Events**

In addition to educational materials, community outreach efforts are extremely beneficial in preventing exploitation as well as promoting the financial institution's commitment to protecting its customers. Seminars or social events may be held by the financial institution for elders, families, professionals or other interested community members. Events can be held at different times of day and locations, including local senior centers, elder housing buildings as well as the financial institution. Financial institutions also may choose to collaborate on community events, working closely with the local elder services agencies, law enforcement or other community professionals.

Opening up lines of communication between employees and customers, these meetings also will:

1. Alert and educate consumers about scams, elder abuse and financial exploitation, and methods of protecting themselves from victimization;
2. Inform consumers of the steps that can be taken and services that are available if they have been victimized;
3. Provide opportunities for staff to get to know existing consumers, generate new ones, gather information about needed services, and learn more about customer concerns and financial needs;
4. Educate consumers about existing financial institution programs and accounts;
5. Provide an avenue for distributing informational materials;
6. Decrease social isolation for elders, and increase customer satisfaction; and
7. Generate goodwill in the community.

- **Media Involvement**

1. **Preventative Initiatives**

Financial institution can use the news media to publicize their involvement in this program and highlight preventive initiatives that reduce the risk of exploitation. Press releases, advertisements and local media, including radio and cable access television, are various avenues to publicize the issues. Social media is also an avenue for promotion. The media may even wish to highlight information on current common scams for special features. Of course, financial institutions should not alert the media of specific examples of elder consumers who have been exploited by

family or acquaintances. Presenting general examples that elders are exploited, though, with no case specifics, may help to protect others.

## 2. Current Scams

If a bank or credit union learns that a particular scam is present in their community, the institution's officials may choose to contact the news media. Once publicly identified, con artists may choose to move to another community. Even if the scam continues, notification of the media makes the community aware of the scam's presence, its indicators and how to avoid being victimized..

- **Networking by Security**

New methods of exploiting elders, often by bypassing financial institution security measures, are always being uncovered. Since scams are continually changing and con artists are continually moving, it is essential for security personnel to maintain contact with other professionals throughout the State and country. Connections should be made with other security and financial administrators as well as law enforcement and elder protective services and advocates. These collaborations allow security to be informed of trends in exploitation, obstacles in preventing and creative initiatives to address.

## Elder-Friendly Services

- **Employee Sensitivity**

A critical defense against financial exploitation is for financial institution personnel to know their older customers individually, and be sensitive to their needs. Employees can familiarize themselves with regular customers' individual financial patterns so that any changes in types or dollar amounts will be more noticeable, as well as any changes in appearance, behavior or attitude. Tracking patterns and behaviors for every consumer is obviously not possible. However, being more aware of frequent and vulnerable consumers should be a priority for financial institution employees.

Employees become more sensitive to elders' needs when they are trained to:

- **Recognize** signs of financial exploitation, abuse, neglect, self-neglect, and be aware that a family member may be the abuser;
- **Identify** common scams;
- **Advise** older customers about alternative product lines that may better serve their financial needs;
- **Encourage** all customers to use preauthorized credits to deposit accounts such as direct deposit of Social Security checks, pension payments and other sources of income. This prevents checks from being lost, stolen or destroyed. Some customers are unaware that Social Security checks can be deposited directly into an account. Employees may want to give elders the phone number of the local Social Security office; and
- **Know** who to contact if the employee suspects that a report to Protective Services or law enforcement should be made.

- **Elder Services Specialist**

Financial institutions also may designate certain members of their staff to be specially trained in the needs of older consumers. These employees would have primary

responsibility for interacting with older customers and monitoring their well-being. In addition, they may serve as a resource for other employees on elder issues.

These specialists should be:

- Trained and skilled in how, when and where to interview elders, including questioning about unusual transactions and large cash withdrawals, as well suggesting other alternatives for the transaction;
  - Aware of, and comfortable referring older customers to, the many services available to elders through Protective Services and local agencies;
  - Knowledgeable of and able to refer customers, as appropriate, to the Massachusetts Money Management Program (see Section VI for details on this program).
- **Financial Institution Assistance**  
Financial institutions may choose to assist older consumers by providing:
    - Scheduled visits by employees to places convenient to older adults, such as elder social centers or elder housing. Financial institution employees may use these visits to provide limited financial services, educate older customers about new product lines and generate goodwill in the community.
    - Home visits to housebound older customers to provide financial services, provided such actions do not violate federal and state regulations and policies. For example, employees may visit older customers at home to verify a signature or obtain a PIN.

### Procedures and Product Lines

Financial institutions should take a proactive approach to developing new procedures and product lines to help prevent elder financial exploitation. The first step is to reassess existing systems and establish alternate procedures as needed. Financial institutions should identify whether modifications need to be made or enhanced in: control measures/safeguards, protected accounts, and safeguards for electronic banking.

- **Protected Accounts**  
Many financial institutions have designed accounts that are geared toward a particular market, such as students or older adults. While usually having certain restrictions, these accounts generally seek to meet the particular financial needs of the target group. Traditionally, elders who have difficulty managing their finances, or are unable to visit the branch themselves, are advised to open joint accounts with caregivers. Joint accounts, though, have proven to be extremely vulnerable to abuse. There is often little recourse when the financial institution suspects financial exploitation, or when the elder seeks to recover funds, if the exploiter is a joint account holder.

Instead of a traditional joint account, a 'protected account' could be incorporated into a product line geared toward older customers, which would be designed to reduce the likelihood of mishandled or stolen funds. Protected accounts can be designed to provide

safeguards lacking in joint accounts, and may be used as a marketing tool. One such tool is the Limited Access Deposit Account, as defined in Massachusetts General Laws, Chapter 167D, Section 4. By definition, the holder of the account can provide limited access to the account to another designated signatory. Based on a signed declaration of intent, both parties agree the monies are to be spent according to the holder's wishes. While this protected account will not stop all exploitation, it may deter certain temptations and it offers more protection for the account holder in terms of prosecution. Also, financial institutions are not required to monitor this protected account any more than other checking or savings accounts.

The following is a list of possible components of a protected account. As each financial institution is different, some of these components may not be feasible for a particular institution.

- Two signatures required for all withdrawals over a specified amount;
- Advance notice required for withdrawals or account closings;
- Accounts where joint access to funds is limited to a smaller, linked account. With an automatic transfer capability, whereby a set dollar amount is automatically transferred from one account controlled only by the elder to a second joint account. While the elder would maintain the bulk of the funds in the individual account, a caregiver could pay bills and other expenses from the smaller, joint account.
- Accounts with built-in bill paying feature;
- Direct or institution assisted deposit of checks or other assets;
- Accounts that feature daily or weekly withdrawal limits;
- Prohibitions on certain electronic procedures, such as no ATM or debit transactions; and
- A 'flag' on the account to notify the elder of unusual activity. The 'flag' also may note that the accounts may not be used as a collateral on a loan, or for cash advances on a credit card, unless specific consent is obtained directly from the elder.

*While the elder may be offered listed, or other innovative, options that meet their financial needs, they cannot be forced to choose a particular type of account based solely on their age.*

- **Safeguards for Electronic Transactions**

With the increased use of electronic transactions, face-to-face contacts between customers and financial institution personnel may be reduced. As such, the opportunities and risk for financial exploitation may increase. Therefore, it is critical that financial institutions work with their customers regarding risks associated with electronic transactions, including education about potential indicators of exploitation.

## **Training as Part of Prevention**

In addition to education and presentations done for elders and the community in general, training for financial institution staff is a critical step in preventing elder financial exploitation. Financial institutions should ensure that all of their employees, and in particular customer-facing employees, have the necessary training and tools to identify potential indicators of exploitation. Training also should assist

employees with identifying customers who may be at risk of future exploitation and potential steps that can be implemented to assist.

While this manual should serve as one training tool for employees, several other tools have been developed for training purposes. Two PowerPoint presentations, one for management and the other geared toward line staff, are available by contacting the Massachusetts Bankers Association ([www.massbankers.org](http://www.massbankers.org) or 1-617-523-7595) or the Cooperative Credit Union Association ([www.ccuassociation.org](http://www.ccuassociation.org) or 1-800-842-1242). In addition, a warning signs placard (Appendix J) was developed for use by tellers as a quick reference guide instead of relying on this manual. Additional copies of the placard, titled 'Warning Signs of Elder Financial Exploitation,' may be obtained by contacting the Massachusetts Bankers Association or the Cooperative Credit Union Association. Financial institutions also may choose to develop their own employee training materials, or contact other local banks or credit unions that may have already done so.

Besides the training tools mentioned, financial institutions are strongly encouraged to arrange local and/or regional training sessions for their employees. These sessions should present a more streamlined version of information in this manual along with any internal policies and procedures that employees must follow. In addition, it may be beneficial to conduct these training sessions jointly with your local Protective Services agency and/or law enforcement.

### **Preventative Measures for all Older Persons**

All older individuals are advised to make decisions about their future care and well-being while they are still in good health. Financial institution personnel should talk to consumers about planning for the future, good financial practice and safe financial habits. The following are samples that may be adapted for posters or brochures developed by the financial institution. Materials developed for elders should always be clear, easy to read and in large print.

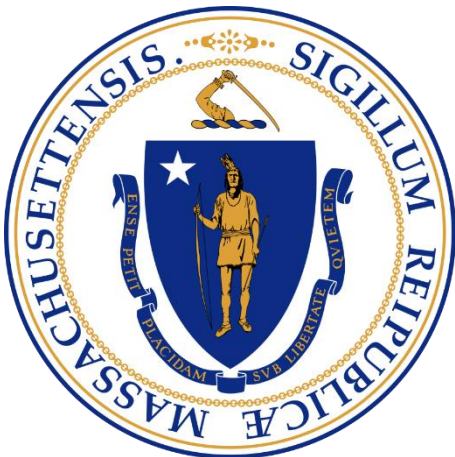
## PERSONAL SAFETY

- Be aware of the risks of living with a person who is a substance abuser or has a history of violence. Have a plan to keep yourself safe, and explore different housing options available to you.
- Keep in touch with your friends.
- Keep control of your own phone.
- Open and post your own mail.

If you, or someone you know, is over 60 and a victim of abuse, call:

THE ELDER ABUSE HOTLINE:

1-800-922-2275





## **PLANNING AHEAD**

- **Establish relationships with personnel at your bank or credit union.**
- **Develop friendships with people of various ages to help you maintain a strong support network.**
- **Become familiar with resources in the community designed to help older people and their families.**
- **Be careful when executing a Power of Attorney that will grant financial decision making power to a trusted friend, relative or attorney. Know the person to whom you are granting this authority. A Power of Attorney can be as limited or as broadly defined as you wish, and can be revoked at any time. The specific ‘powers’ given to this person should be detailed in writing. Give your financial institution a copy.**
- **Consider a Durable Power of Attorney that will remain in effect even if you become incapacitated.**
- **Consider a Trust, a legal arrangement where a person or financial institution manages assets for you.**
- **Put all financial instructions in writing, and BE SPECIFIC.**
- **Keep accurate and complete financial records of all transactions.**
- **Gather all important documents together, such as wills, insurance policies and financial institution account information. Inform someone that you trust where these documents are kept.**

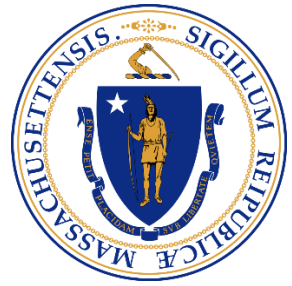




## **GOOD FINANCIAL PRACTICE**

- **Use Direct Deposit for your checks.**
- **Do not leave money or valuables in plain view.**
- **Safeguard your Social Security number, date of birth, mother's maiden name and all financial account and credit card numbers. Do not release personal, confidential information to callers when you do not initiate the call.**
- **Shred all expired, unused or unwanted materials that contain personal, confidential information, including preapproved credit card applications.**
- **Contact the three credit reporting bureaus (TransUnion, Experian and Equifax) for your credit reports. You are entitled to one free report per year from each.**
- **Prior to conducting electronic financial matters, ensure that your computer contains adequate security.**
- **Sign your own checks. Do not sign 'blank checks' where another person can fill in the amount. If you need someone to help you write out checks before you sign, ask a third party to review the check and take it to the bank or credit union, or ask for information about services that can assist with bill payment.**
- **If someone is helping you with managing your finances, get a trusted third person to review your bank statement.**
- **Do not sign any document without reading it carefully.**
- **If you do not understand the document or cannot read it, ask that a trusted third party read it to you and/or explain it.**
- **Do not sign any agreement until it has been reviewed by a trusted friend or other advisor, or an attorney representing you. If possible, have two advisors look at the agreement.**
- **Do not lend money in return for a general promissory note.**
- **Do not sign over money or property to anyone in return for care, even a family member or friend, without having the agreement reviewed by an attorney. The agreement must be written, and a copy should be provided to a third party.**
- **Do not allow anyone, even a relative, to put their name on your account without your consent. Your financial institution can set up a separate account in both names with an automatic transfer of limited funds.**

**Questions? Contact THE ELDER ABUSE HOTLINE (1-800-922-2275).**



## **AVOID SCAMS!**

- If a deal seems too good to be true—it probably is!
- Never let yourself be rushed into a 'deal.' This usually means the person is trying to scam you. Ask for details in writing. Review the details with a trusted friend, advisor or attorney.
- If you are told to pay taxes or other fees to obtain a prize, it is a scam.
- Never give out your Social Security or account numbers over the phone and never give out credit card numbers unless you initiate the call.
- Be wary of work at home opportunities promising high earnings.
- Don't trust unsolicited emails and treat email links with caution.
- Give to charities that you know. Check out unfamiliar or questionable charities.
- Get several estimates before you have any renovations or work done.
- As a rule, do not have work done on your home by companies or individuals contacting you (by phone, in person, or by mail) and offering you deals.
- Do not pay for work in advance & check references, telephone numbers & addresses.
- Contractors must be licensed by law— check license numbers. Check credentials for anyone, including utility workers, that requests to enter your home. Also check out the company with the Better Business Bureau or the Office of the Attorney General.
- Many scams use realistic looking documentation, including cashier's checks and letterhead with company logos. This does not mean it is legitimate.
- Check for out-of-country postmarks, misspelled names and poor grammar and misspelled words in letters— often indicators of a scam.
- If you receive a 'cashier's check,' ask the bank or credit union to verify it is drawn on a legitimate financial institution by checking phone and routing numbers.
- Remember that 'funds available' does not mean that cashier's check is good— it may still bounce well after you have withdrawn money!
- Remember that anyone can be a victim, and many people are conned more than once. Several scams are built around 'recovering your money.'

## **Questions?**

**Contact THE OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION at**

**(617) 973-8787 or 1-888-283-3757 (MA only)**

**or contact THE OFFICE OF THE ATTORNEY GENERAL at (617) 727-2200**

**or ELDER HOTLINE at (888)-243-5337**

**or CONSUMER ADVOCACY AND RESPONSE DIVISION HOTLINE**

**(617) 727-8400**

## **SAFETY TIPS FOR AUTOMATED TELLER MACHINE (ATM) USE**

- Do not allow anyone else to use your ATM card.
- Cancel your ATM card if you do not use it.
- Do not give anyone your Personal Identification Number (PIN).
- Do not use an easily detectable PIN (for example, a birthdate or Social Security number).
- Ask your financial institution about benefits of periodically changing your PIN number.
- Do not use the preauthorized PIN number– change the number to something only you would know.
- Do not carry the written PIN number with the ATM card– place the written number in a secure location other than on your person.
- Check financial statements carefully for unauthorized withdrawals.
- Be cautious using an ATM at night.
- Do not use a badly lit ATM. This is a danger sign because they are designed to be brightly lit for your safety. Report the situation to your financial institution.
- Be aware of people around you as you use the ATM – do not let them watch you enter your PIN number.
- Beware of ‘skimming’ devices on the ATM – examine nearby objects for a concealed camera and check the card slot for a plastic sheath or anything that looks out of place.
- Put your money away safely before exiting the ATM area.
- Look around as you exit the ATM area. Do not leave if you do not feel safe.
- Do not open the door of the ATM area to anyone without a card.
- Avoid ATM machines that are not enclosed, or inside, or that you cannot access via your vehicle.

**Questions about proper ATM usage and safety should be directed to  
your local bank or credit union.**



## SECTION VI: ELDER PROTECTIVE SERVICES

*Joe, a 72-year-old recently widowed man, contacted his local Protective Services Agency to complain that his daughter was taking and cashing his Social Security check. That same day, the vice president of his financial institution also filed a report. Branch employees had noticed that Joe's health seemed to be getting worse, and that he often appeared worried, nervous and upset. In addition, they realized that there had been a dramatic increase in activity in the joint account that Joe held with his daughter. The institution had recently closed the account, which was seriously overdrawn, and had notified Joe by mail.*

*The Protective Services caseworker discovered that Joe had never seen this letter, as his daughter or someone else had intercepted it. Furthermore, Joe was about to lose his home because mortgage payments had not been made by his daughter, who was responsible for bill paying. He was denied access to his car, and his daughter was threatening to take his medications away. Joe was extremely concerned that the stress would worsen his medical conditions, and without his medications, he would be hospitalized or placed in a nursing home. He was fearful of his daughter and her boyfriend, and was concerned that if things did not change, he would not survive. It was clearly evident that Joe was being emotionally and financially abused. Neglect, due to the potential foreclosure, and physical abuse, because of the escalating threats, were explored as well.*

*The institution's vice president met with Joe and the caseworker, and gave Joe a printout of all activity in his account. The institution waived the charges for the bounced checks, and helped Joe open a new account in his name only. Joe took a restraining order out against his daughter and the caseworker arranged for emergency food deliveries until transportation to a senior meal site was arranged. A Money Management volunteer now helps Joe with his bill paying, and a case manager is involved and will implement additional services as the need arises. With the added assistance and involvement of community supports, Joe is no longer being abused.*

### The Prevalence of Elder Abuse

Unlike other segments of the population, elders are most at risk from people known to them: adult children, spouses/partners, other family members, friends and other caregivers. They are less likely to be victims of random street crime, although scams continue to be an issue among the elder population. The exact number of elders who are abused, neglected or financially exploited each year in the United States is not known, though.

While elder service programs across the country continue to report program growth, the prevalence and incidence of domestic elder abuse is still believed to be both underestimated and underreported. Studies suggest that only one in five incidences of abuse are reported to the appropriate authorities. Since the Massachusetts Elder Abuse Reporting Law went into effect in 1983 and self-neglect was added to the statute in 2004, the number of reports of suspected abuse and self-neglect received annually has increased from five to 12% each year. Even with this dramatic increase in the number of reports received, many more cases remain unknown.

## Under Reporting: Why Victims are Reluctant To Report Abuse

As with abuse victims of all ages, elders may be reluctant to report abuse or accept help. Reasons include, but are not limited to:

- **Denial**  
Consciously or unconsciously, an elder may not be able to acknowledge that the abuse is occurring. This 'denial' is common among elderly victims, as it is with children and younger battered women in domestic violence situations. An elderly woman who has been battered throughout her marriage by her spouse may see abuse as 'normal' because she has nothing against which to compare the abusive situation.
- **Self-Blame**  
Over time, physical and emotional abuse can wear away the victim's sense of identity and self-esteem, to the extent that elders begin to believe that they 'deserve' or have provoked the abuse. It may be easier and less painful to identify themselves as the wrongdoers rather than their children, spouses, other family members or caregivers.
- **Shame and Embarrassment**  
Elders may be ashamed to admit to being mistreated by someone related to them. For them, admitting that the abuse exists may reflect poorly on them, their past parenting abilities or their family name.
- **Dependency**  
Elders may be abused by people on whom they depend for part or all of their care. Elders may fear that if they report the abuse, the caregiver will abandon them. They also may fear losing the care, or that there are no other services to replace what the caregiver is providing. In addition, they may fear losing their homes and being forced into a nursing home, as they can no longer survive living alone or without assistance.
- **Loyalty to the Caregiver**  
In many cases, the caregivers abusing elders do not treat them poorly all of the time. As such, elders may feel conflicted about reporting the abuse as they feel genuine love and loyalty to abusers, especially if they are family members. Even when the abuse occurs more frequently, seeing the good in others and feeling loyalty to family may cause them hesitation when reporting abuse.
- **Fear of Retaliation**  
Elders may fear that reporting may cause the abuser to retaliate against them, possibly escalating the abuse. As such, to avoid a real or perceived increase in physical or financial harm, elders may choose to remain silent.
- **Physical and/or Cognitive Inability**  
Elders may lack the physical and/or cognitive ability to report. They may be bedridden, have limited mobility or not be able to access authorities due to a lack of transportation. In addition, impaired cognitive status may hinder reporting in some manner. Abusers also may deliberately isolate their elderly victims from accessing help.

- **Perceptions of the System**

Elders may not know that they can report abuse themselves, and they may lack information about where to call for help. They also may feel that social service agencies and the criminal justice system will not be sympathetic or responsive to their needs. Elders may fear that no one will believe them or that they will be regarded as incompetent simply because of their age. Furthermore, they may feel that their right to decide their own future will be threatened or eroded. In addition, they may believe that their only caregiver will be incarcerated, leaving no one to assist them.

### **Risk Factors for Elder Abuse**

Elder abuse cuts across all demographic boundaries. There are no definitive profiles of victims or abusers. Anyone can become a victim of abuse, whatever their relative age, gender, physical or mental health and functioning, financial status, and educational, religious, cultural or ethnic background. However, the 'typical' victim is likely to be female, in her mid-seventies or older and at high risk of abuse due to impairments and isolation.

Abusers may be elderly themselves, with physical or mental disabilities. They may have alcohol or substance abuse problems, or may be financially dependent on the elder. They may simply be overwhelmed by an elder's needs, unable to meet these needs and not aware of available services. Frequently the abuser is a spouse or partner, followed by adult children, grandchildren, other relatives and acquaintances.

In addition to the reasons elders may not report abuse, bank and credit union employees should be alert for the following risk factors (not an all-inclusive list) in suspected cases of abuse. Also, as cases involve multiple risk factors, the risk that abuse has or will occur increases dramatically.

- **Decreased Physical Health and Mobility**

With advanced age, the likelihood of physical impairment increases. Older individuals may have multiple health problems and suffer from chronic illnesses. Perceptual impairments (e.g. loss of sight and hearing) may decrease the older person's ability to function independently, while arthritis may decrease mobility.

Physical changes may lead to 1) an increased dependency on others for the necessities of daily living, 2) the elder becoming housebound, and 3) an increase in abuse. These changes also may render elders vulnerable in situations that they were previously able to control, or defend themselves against.

*An 80-year-old woman knew that her husband occasionally became physically abusive when intoxicated. In the past, she was able to drive, and could leave the home or walk down the street to her daughter's house until he sobered up. After a series of strokes, she became wheelchair dependent and was no longer able to leave the home unassisted. As such, her physical decline prevented her from protecting herself as she had done for many years prior.*



- **Declining Mental Status**

Although older adults are often stereotyped as forgetful or confused, decreased intellectual functioning is not an inevitable result of aging. However, the chances of suffering from dementia do increase with advanced age. Alzheimer's disease, probably the most widely recognized dementia, is a progressive degenerative disease that results in impaired memory, thinking, behavior and eventually death. Other types of dementia include: multi-infarct, which is caused by a series of mini-strokes; Korsikoff's Syndrome, which is a dementia related to prolonged alcohol abuse; and Pic's Disease, which is similar to Alzheimer's. In addition, other progressive diseases such as Parkinson's disease may lead to dementia.

Confusion and forgetfulness in the elderly, though, are not necessarily a result of a progressive dementia. The condition leading to the cognitive change may be reversible, as similar symptoms are associated with depression, grief, malnourishment, head injuries, other medical conditions (including infections and fever), and social isolation. Elders also may appear confused or demented due to adverse reactions (or inappropriate use) of prescription medications or substance abuse. Mild cognitive impairment also decreases an elder's ability to determine if something is a fraud or scam. This may precede other forms of impairment by several years.

It is not necessary for financial institution employees to know the exact reason(s) for the cognitive changes. Rather, it is important to recognize that any decline in mental status can increase an elder's vulnerability to abuse, especially financial exploitation.

*Mrs. R., an 82-year-old extremely forgetful woman, lived with her chronically-ill 84-year-old husband. A visiting nurse reported concerns that a former aide was financially exploiting her. The home health aide had been fired by the employing agency, but had continued to visit Mrs. R., stealing, forging and cashing personal checks. Even after this was discovered, Mrs. R. was unable to distinguish whom her current, legitimate health aide was, and continued to allow the prior aide into the home, eventually resulting in a loss of \$13,000.*

- **Social Isolation**

Although Social isolation is often exacerbated by the deaths of contemporaries, spouses, partners, siblings and friends. Abusers also may attempt to keep an elder isolated, refusing to apply for economic aid or services, resisting outside help or changing social and health care providers frequently so that the elder's situation is hard to assess. Isolation can hide the effects of physical abuse, neglect or exploitation, and can be used as a form of emotional abuse and control.

- **Web of Dependency**

Elders may become increasingly dependent on others for their care, in part due to the physical and cognitive changes noted previously. Caregivers and family also may be dependent on the elder for financial support, emotional support or housing. In some situations, financial strain or other family responsibilities may result in neglect of the elder's needs or other types of abuse.

- **Caregiver Stress**

As mentioned previously, an elder's increased frailty may lead to increased dependency. Dependency, though, does not in itself cause abuse. Rather, the demands of caring for a frail elder (or any frail individual) can lead to caregiver 'burn out,' especially when the care is more long-term. Stress and frustration can result in impatience, depression, anger and hostility, sometimes leading to abuse. In addition, other life, family or economic pressures, such as unemployment, can exacerbate caregiver stress.

*Jane had moved back in with her mother after her father's passing. As her elderly mother progressively declined, Jane was asked to provide more assistance, such as medication management and meal preparation, in addition to working her full-time job. Despite having in-home services in place, Jane's frustration continued to grow, eventually resulting in emotional abuse, including threats of placing her mother in a nursing home.*

- **Family History of Violence**

A history of domestic abuse in a family is a high risk factor for elder abuse. People who are abused as children, or who have witnessed or experienced spousal abuse, may not know of alternate methods of dealing with anger. This increases the risk of abuse of an older parent or other relative.

- **Impairment of Caregiver or Elder**

Besides any physical impairments of the elder, physical impairments of the caregiver/family member and mental illness or mental retardation of either the elder or the other individual also are risk factors for abuse.

- **Substance Abuse**

Alcohol or illegal substance use by a caregiver or family member carries a high risk of abuse. The risk of financial exploitation of the elder to finance the caregiver's drug addiction also is increased. In addition, elders themselves may abuse alcohol and other substances. Substance abusing elders may become increasingly more confused, forgetful, agitated and unsteady of their feet. As such, they may be less able to defend themselves from abuse or meet their own basic needs, including financial and personal safety.

*Mrs. N., who was 77 years old, lived with her two unemployed grandsons in a known 'crack house.' Both grandsons had been arrested several times for drug use and possession, and were known to kill animals in Mrs. N.'s house with a baseball bat. Claiming to help her out, Will and Alan would take Mrs. N. to her financial institution where she would cash her monthly \$625 Social Security check. From that, they would purchase groceries and alcohol. Later, when Mrs. N. was intoxicated, they would steal most of her remaining cash. Because of this, she would run out of money and could not pay her rent or buy food by the end of the month. With the assistance of Protective Services, she went into detox and overcame her alcohol addiction. Furthermore, she moved into elder housing and accepted a money manager to help with bill paying.*

## Other Forms of Elder Abuse

Elder abuse is broadly defined as an act or omission (e.g. failure to act) by another person that results in serious physical or emotional injury to, or the financial exploitation of, an elderly person. In 1983, the Massachusetts Reporting Law went into effect as M.G.L. Chapter 19A, sections 14-26. Initially, elder abuse was defined as physical or emotional injury to an elder, or the neglect of an elder by a caretaker. Because of the increasing number of cases and the devastating effect on elders, the law was amended in 1990 to include financial exploitation as a reportable type of abuse. In addition, beginning in July 2004, the law was amended further to include self-neglect as a reportable condition, replacing the free standing Elder at Risk Program.

- **Definition of Population Protected by the Law**

Everyone sixty (60) years of age and older and living in the community is protected under this law. All abuse to elders residing in community residences should be reported to Elder Protective Services. Community residences include but are not limited to: private homes; apartments; elder housing developments; public shelters; assisted living facilities; group homes not governed by other state agencies; and, homeless elders. Also, Protective Services are designed to assist elders who have an ongoing personal relationship with the abuser. Robbery or crimes of random violence should be reported to the police, with an additional report to Protective Services if the situation meets the definition of self-neglect.

- **Agencies that Investigate Abuse for Other Populations**

If someone is being abused but does not meet the definition cited above, other investigatory authorities should be notified. A listing of many of these agencies and telephone numbers is located in Appendix C. Abuse of individuals residing in long-term care facilities, such as nursing, rest or convalescent homes, should be made to the Department of Public Health (DPH). In addition, DPH has investigatory responsibility when an employee of a certified agency, such as a visiting nurses association or a certified home health aide or homemaker agency, has committed the alleged abuse.

Abuse or exploitation by homemakers or aides employed by a non-certified agency should be reported to the employing agency directly. The local Protective Services Program should be consulted if there are any questions. Also, a report to local law enforcement may be warranted.

Reports of abuse of individuals between the ages of 18 and 59 who have a physical and/or mental disability should be made to the Disabled Persons Protection Commission (DPPC). This includes abuse in the community, group home settings as well as day programs and workshop settings. In addition, reports of abuse of someone over 60 residing in a Department of Mental Health or Department of Mental Retardation funded group home or day program should be made to DPPC. While their statute does not allow them to investigate cases of abuse when the victim is over 60 years old, DPPC sends these reports out to the appropriate investigatory authority.

As mentioned previously, random crime should be reported to the local police, and scams, identity theft and other financial crimes can be reported to the police, the Attorney General's

Office or the Office of Consumer Affairs and Business Regulation as appropriate. Any suspicions of child abuse should be made to the Department of Children and Families.

- **Reporting Elder Abuse**

The law states that ‘any person’ may make a report to the Executive Office of Elder Affairs, or a designated Protective Services agency, if they have ‘reasonable cause to believe that an elderly person is suffering from or has died as a result of abuse.’ Some professionals are mandated by law to report elder abuse, neglect, exploitation, and self-neglect. In Massachusetts, personnel from financial institutions are not mandated reporters, but they are clearly authorized to report all types of abuse.

- **Reportable Conditions**

There are **six (6) main categories of elder abuse**: physical, sexual, or emotional abuse; caretaker neglect; self-neglect; and, financial exploitation. Bank and credit union employees are most likely in a position to identify financial exploitation, which is discussed in detail in Section II. However, they should be aware of the other categories, as many cases involve multiple types of abuse. To gain access to an elder’s finances, exploiters may abuse them physically or emotionally. In addition, misuse of an elder’s funds by a caregiver frequently results in the neglect of that elder’s basic needs. Also, cognitive changes or becoming involved in scams may lead to an elder’s inability to meet his/her own basic needs.

1. **Physical Abuse**

Physical abuse is the non-accidental infliction of serious physical harm, or the threat to do so where it is believed the person has the capacity to carry out the threat. When determining whether serious injury has occurred, several factors are explored including: 1) the physical condition of the elder; 2) the type, size, shape, number and location of the injuries; 3) the circumstances under which the injury occurred, including the potential for serious injury in the actual incident; 4) the emotional impact on the elder; and 5) the potential for escalation.

Signs of physical abuse may include:

- Bruises, welts, cuts, or scratches;
- Bilateral injuries (e.g. on both arms), imprint injuries, or wrap around bruising that would suggest grabbing, shaking or restraining;
- Ligature (rope or other binding material) marks;
- Human bite marks;
- Eye injuries or missing teeth;
- Unexplained scars, or bruising at different stages of healing;
- Burns, especially when shaped like the instrument causing them (e.g. irons or cigarettes);
- Scalding, especially of the extremities;
- Spotty balding, as if hair has been pulled out;
- Fractures or sprains; and
- Injuries not consistent with explanation.

2. **Sexual Abuse**

Sexual abuse is any form of sexual contact that occurs without the elder’s consent, or occurs with an elder who is incapable of giving valid consent. This includes sexual

assault, rape, sexual misuse or sexual exploitation, as well as threats of sexual abuse. Many indicators of sexual abuse may not be clearly noticeable by financial institution employees, but signs that employees may see include:

- Stained or bloody lower clothing;
- Difficulty walking; and
- Emotional disturbance.

### 3. Emotional Abuse

Emotional abuse is the non-accidental infliction of serious mental or emotional injury by threat, humiliation, or other verbal or nonverbal conduct. Elders may suffer emotional abuse because of threats to harm them, by being socially isolated, subjected to insults, or threatened with nursing home placement by a caregiver who has power over them. While it may occur by itself, emotional abuse is often found in combination with other forms of abuse, such as physical and sexual abuse, or financial exploitation.

Emotional abuse is one of the more difficult forms of abuse to identify. Behavior some might find unacceptable may not be perceived as abusive by the recipient. Therefore, the presence of emotional abuse is determined by the detrimental impact the abusive behavior has on the victim, not by the behavior of the perpetrator.

Signs of emotional abuse include:

- Extreme anxiety or fear, especially when around others;
- Shaking, crying or nervousness; and
- Depression, withdrawal or other mental health or self-esteem changes.

### 4. Self- Neglect

Formerly the Elder at Risk Program, self-neglect became part of the abuse statute beginning in July 2004. Self-neglect occurs when an elder is not able to meet his or her own basic needs or is resistant to assistance. Self-neglect may result in serious physical harm. For the condition of “self-neglect” to exist, there cannot be a caretaker involved, or the elder must be competent and refusing the assistance of a caretaker.

Signs of caretaker neglect and self-neglect include:

- Poor personal hygiene;
- Inappropriate or dirty clothing, which includes clothing not appropriate for the weather conditions as well as burn holes from unsafe smoking;
- Evidence of poor nutrition (malnutrition) or dehydration;
- Evidence of incontinence— urine or feces stained clothing or odors;
- Untreated or inappropriately treated injuries or medical conditions, including untreated wounds or dirty dressings on wounds;
- Lack of appropriate assistive devices such as hearing aids, walkers or canes;
- Evidence of medication mismanagement— under or over taking medications;
- Evidence of home pest or bug problems, including bites or noticeable bugs on clothing;

- Noticeable change in mental status;
- Personal safety concerns, such as wandering, unsafe driving or other dangerous behavior;
- If you have knowledge of home environment, signs may include: extreme clutter, lack of utilities, unsafe environment, structural problems, fire safety issues, pests or inappropriate facilities.

#### 5. Caretaker Neglect

Neglect occurs when a 'caretaker' fails or refuses to provide one or more of the necessities essential for the physical well-being of an elder. This would include the withholding of food, clothing, shelter, social contact, personal care, or medical care from the elder. Furthermore, this withholding has resulted in, or there is reason to believe that it will immediately result in, serious physical harm to the elder. A caretaker is defined as a person who is responsible for the care of an elder because of: 1) a familial relationship (lives with elder or provides substantial assistance); 2) a fiduciary relationship imposed by law; 3) a contractual relationship; or, 4) a voluntary assumption of the caregiving role, where substantial and essential assistance is provided.

Because it is often difficult to distinguish between caretaker neglect and self-neglect, reporters should contact Elder Protective Services who will apply various standards and definitions when determining what is occurring. Whether it is caretaker neglect or self-neglect, the focus should be on what essential needs are not being provided, harm or risk of harm and any assistance that is currently in place.

Signs of caretaker neglect are the same as self-neglect, as noted under that definition.

#### 6. Financial Exploitation

See Section II of these materials for detailed information on financial exploitation, including definitions, examples and warning signs.

### **The Massachusetts Elder Protective Services Network**

The Executive Office of Elder Affairs (EOEA) is required by law to administer a statewide system for receiving and investigating reports of elder abuse, and providing needed protective services to abused elders when warranted. To fulfill this responsibility, EOEA oversees 20 Designated Protective Services Agencies throughout the state, along with a 24-hour, 7 day a week Elder Abuse Hotline.

Two additional components of the Protective Services Program are Guardianship Services and the Money Management Program. The Guardianship Program serves a limited number of elders who need a guardian (or conservator) to protect them from abuse, neglect or exploitation. The Money Management Program uses volunteers to provide assistance with bill paying.

#### **Goal of Protective Services**

The goal of the Protective Services Program is to prevent, remedy or eliminate the effects of abuse on the elder. While the primary focus is on ending or alleviating the abuse, other critical program



goals include: freedom, safety, least disruption of lifestyle and the least restrictive care component. An elder's right to self-determination must be respected to the fullest extent possible, and the least restrictive appropriate service alternatives should be used to meet the needs of the elder.

### Responsibilities of Protective Services Agencies (PSA)

Each PSA must:

- Receive reports on a 24 hour basis;
- Immediately assess each report to determine the severity of the allegation(s);
- Immediately assign for investigation all reports where an apparent emergency or other urgent situation exists;
- Investigate appropriate reports by interviewing the elder in person whenever possible, and consulting with others who may have relevant knowledge of the situation, including family members, the alleged perpetrator, friends and other service agencies;
- Provide the elder with written notice of the investigation, adhering to the self-determination and informed consent guidelines;
- Begin to assess reports with emergency needs within five hours, reports with other urgent needs within 24 hours and all other situations within five days;
- Continue with the investigation per established guidelines when there are questions about an elder's ability to make informed decisions, or when there is evidence that the elder is being coerced or intimidated;
- Complete the investigation within 30 days, unless extended with good cause;
- Expunge records after three years when allegations are not substantiated;
- If abuse is substantiated, develop a service plan that is appropriate to the functional capacity, situation and resources of the abused elder;
- Refer to the District Attorney every case where the PSA believes that an elder has died or suffered serious harm as a result of the abuse;
- Keep all reports and records confidential, with the exception of information sent to the DA;
- Inform mandated reporters within 45 days from the report of the PSA response. Non-mandated reporters will be informed of outcomes by request.

### Available Services

Developed as a short-term crisis intervention program, Protective Services are services designed to eliminate or alleviate the abuse of an elder. Caseworkers work with the elder, family and community agencies to provide medical, mental health, legal and social services.

Protective Services casework may include services for the elder or other family, as appropriate, including:

- Counseling;
- Safety planning;
- Substance abuse treatment;
- Mental health services;
- Family intervention;
- Homemaker/health aide services;



- Emergency food or fuel;
- Transportation;
- Housing;
- Legal assistance;
- Financial assistance;
- Medical services and therapies; and
- Advocacy.

Protective Services casework is provided without regard to income. Additional services also are provided at no charge to elders who are unable to pay. Elders who can afford additional services may be charged all or part of the cost, provided they are notified and consent to receiving services before they commence.

The complexity of elder abuse and the differing needs of each situation require diverse interventions. For very frail and dependent elders neglected by overburdened and/or stressed caregivers, appropriate interventions might include in-home services, respite care, counseling and day care. In contrast, for an independent, healthy older adult who has been financially exploited and physically abused by a grandson extorting money to support a drug habit, legal interventions, drug treatment program referrals for the grandson or the provision of other housing options, may be more appropriate.

### Self-Determination

Throughout a case, the rights of competent elders to accept or decline a particular course of action are protected. Consistent with this right to self-determination, an elder who is able to make informed decisions about his/her situation has a right to refuse an investigation, contact with certain individuals, particular services or all intervention. Protective Services will make every effort to ascertain that the refusal of the investigation or services is the elder's wish, that the elder is not being coerced and that the elder is competent to make this decision. In addition, caseworkers will make reasonable attempts to build rapport with elders and break through any existing resistance.

Even though elders may be making what others would classify as poor choices, competent elders have the final say regarding the progress of their cases. The only exceptions to an elder's right to refuse the investigation or services are:

- *When the elder is refusing because of duress or intimidation.* Family members and other individuals may not refuse the investigation or services on behalf of a competent elder. They may not make decisions for an elder. When family or others are barring access to an elder, Protective Services may seek court intervention to assist. If an elder refuses an investigation, and it is believed that this refusal is due to intimidation or duress, the investigation must be completed, even if the elder objects. This provision applies only to the completion of the investigation. Despite the presence of coercion or intimidation, Protective Services cannot force services on a competent, objecting elder.
- *When it is believed that the elder lacks the ability to make informed decisions, or the elder's capacity to consent is in question.* As with duress and intimidation, Protective Services must complete the investigation when an elder lacks the ability to provide informed consent or this capacity is questionable. Part of the investigation will include further assessment of the

- elder's capacity to consent. If, at any point in time, there is a change in capacity and it is determined that the elder has the ability to make decisions, consent to the investigation or services must be sought. Refusals and withdrawals of consent must be honored, and the investigation and/or service provision may cease. When an elder lacks the ability to consent and abuse is confirmed, Protective Services is responsible for the implementation of appropriate services for that elder, even though the elder may object. Because the elder lacks the ability to consent, court ordered interventions, including the request for a substitute decision maker, may be sought.

All adults are presumed to be competent unless they have been adjudicated incompetent in a court of law. On a practical level, though, the loss of ability to understand and make informed decisions is usually a gradual process with a legal determination being the last step. Having the capacity to consent means that the elder understands the likely consequences of decisions concerning personal health, safety, and general welfare or finances. In addition, the elder must have the reasonable ability to understand the information conveyed, evaluate options and communicate a decision.

### **Least Restrictive, Appropriate Intervention**

When selecting service options, priority is given to those services that are least restrictive to the elder's autonomy and freedom. In-home services are preferred over institutionalization as they are less restrictive. However, guardianship and/or placement, although extremely restrictive, may be the most appropriate intervention for a significantly demented, wandering elder.

*For example, an elder may lose the ability to balance a checkbook, but can make rational and informed decisions about how to spend money. A conservator would undoubtedly reduce the possibility of the elder writing checks with insufficient funds, but would be unnecessarily restrictive. A referral to the Money Management Program would be a more appropriate option.*

### **Capacity for Court Assistance**

Protective Services has regulatory authority that allows the agency to seek court intervention in certain high-risk cases. Court assistance might be sought to obtain access to an elder, assess an elder's capacity, institutionalize an elder, obtain documentation (e.g. financial or medical), provide critical services, or appoint a substitute decision maker. While court intervention is not the least restrictive option, it may be the most appropriate intervention in certain cases. When serious risk exists and no other alternatives will alleviate the abusive situation, court assistance may be needed to ensure an elder's safety.

## **Elder Abuse Hotline – Centralized Intake Unit (CIU)**

To address the State's legal mandate to allow for the receipt of reports on a twenty-four (24) hour basis, the Elder Abuse Hotline operates twenty-four (24) hours per day, three hundred sixty-five (365) days a year. Centralized Intake Unit (CIU) workers are available 24 hours per day to take Protective Services reports. CIU workers conduct interviews with reporters; enter information into the web-based system, which becomes immediately available to the PS Programs; and immediately contact PS

Programs by phone for situations that are potentially emergent in nature. To reach the Elder Abuse Hotline twenty-four hours per day, please call 1-800-922-2275.

In addition to reporting by calling 1-800-922-2275, reporters may also file reports on-line. Please refer to *Section IV: How to Report Financial Exploitation* for details.

### **Guardianship Program**

The Executive Office of Elder Affairs also contracts with five (5) private agencies to provide guardianship and conservatorship services to a limited number of elders. These services are reserved (based on approval from Elder Affairs) for elders who have been abused or are self-neglecting, lack the capacity to make critical decisions for themselves, do not have appropriate family or friends to fulfill this function, or adequate funding to privately pay for this assistance. Appointed by a court to handle personal and/or financial affairs (guardian) or only financial matters (conservator), others, including family, may not make decisions for the elder without the permission of the guardian or conservator. Monitored by Elder Affairs, this program ensures that an elder's wishes are respected whenever possible. When an elder is unable to communicate his/her wishes, attempts are made to use substitutive judgment.

### **Money Management Program**

As a jointly sponsored venture with the AARP Foundation, Mass Home Care and the Massachusetts Executive Office of Elder Affairs, the Massachusetts Money Management Program seeks to prolong independent living in the community for elders who are unable to handle certain financial matters. The program is a free service that assists low-income elders who might be at risk of losing their independence due to their inability to pay basic rent, food and utility bills on time. By using trained, insured, supervised volunteers, clients are assisted with check writing, balancing checkbooks and ensuring bills are paid in a timely manner.

Once a volunteer is matched with an elder, visits are made to the elder's home at least monthly to keep track of income and expenses. Depending on the needs of the elder, one of two levels of assistance is provided. *The Bill Payer Service* helps elders develop a budget, write checks and balance their checkbooks. The elder makes all of the decisions and retains check-signing capacity.

In certain situations, *the Representative Payee Service* may be more appropriate. When a physician determines that the elder is incapable of managing his/her own finances, the Social Security Administration (SSA) would appoint a volunteer to manage SA (and/or SSI) benefits for the elder. These volunteers are given legal authority to write and sign checks through a special checking account, and staff and volunteers monitor all transactions monthly.

To be eligible for the Money Management Program, individuals must be Massachusetts residents aged 60 and over who are:

- Homebound, visually impaired, disabled, or confused;
- At risk of losing independence due to their inability to pay bills on time;
- Without family or friends; and
- Meet income and asset guidelines.

For a complete listing of Money Management agencies, please refer to Appendix A or go to [www.800ageinfo.com](http://www.800ageinfo.com).

## **Massachusetts Elder Protective Services Network Summary of Services**

### **Elder Protective Services Network**

- Goal is to prevent, remedy, or eliminate the effects of abuse on elders;
- Protective Services agencies responsible for receiving reports of abuse and conducting investigations as appropriate.
- Self-determination of elder respected to the fullest extent possible.
- Least restrictive service alternatives used to meet needs of elders.

### **Elder Abuse Hotline**

- Operates 24 hours per day, 365 days per year;
- Receives reports of abuse; and
- Pages out emergency and urgent situations for immediate response.

### **Guardianship Program**

- Court appointed decision makers for elders being abused or self-neglecting; and
- Elder's wishes respected whenever possible, or substitutive judgement used.

### **Money Management Program**

- Trained, insured, supervised volunteers assist with check writing, balancing checkbooks and ensuring bills paid in a timely manner;
- Free services for low-income elders; and
- Bill Payer Service or Representative Payee Service.

For a complete listing of agencies and phone numbers, please refer to the Appendices, call 1-800-AGE-INFO (1-800-243-4636) or go to [www.800ageinfo.com](http://www.800ageinfo.com).

## SECTION VII: AGING SERVICES NETWORK

*Mrs. L. had been a customer of the financial institution for many years, and employees had come to know her as impeccably dressed and groomed. Over the past few weeks, though, employees had begun to notice that Mrs. L. was having more difficulty walking, often having to hold onto objects and stop and catch her breath. In addition, they noticed that her personal care was deteriorating, as her clothing appeared soiled and there was a strong odor of urine.*

*Through casual conversation, it was evident that Mrs. L. knew she was declining physically, but did not know where to go for help. It also was discovered that payments for her medications and insurance had risen, and she was concerned about the impact this would have on her daily living. To get her the assistance she needed and wanted, the institution's designated point person contacted the local Aging Services Access Point (ASAP) for assistance and a case manager visited her to implement services. Currently, Mrs. L. has personal care services, and also has someone assist with cleaning her house. In addition, she was referred to the local SHINE counselor who has been working with her to navigate through the insurance network.*

### Assistance for Older Adults

The previous six (6) sections of this manual outline **Preventing Elder Financial Exploitation**, financial exploitation and the Elder Protective Services network. However, not all elders who need assistance are being financially exploited or abused. Many elders may only need assistance with personal care, nutrition or insurance questions. It is critical that bank and credit union employees understand the dynamics of financial exploitation and abuse. It is just as important, though, that financial institutions understand and collaborate with the many other elder services programs in their community. As such, the remainder of this section will highlight a variety of other elder services through four offices: the Massachusetts Executive Office of Elder Affairs, the Massachusetts Attorney General's Office, the Massachusetts District Attorneys and the Massachusetts Department of Public Health.

### Massachusetts Executive Office of Elder Affairs

The Executive Office of Elder Affairs and those involved in the elder network strive to allow all people to age with independence and dignity. Elder Affairs holds steadfast to its mission of promoting the integrity, rights and independence of all seniors and their caregivers. To accomplish these goals, Elder Affairs oversees a variety of local and statewide services and programs, including: Home Care, Elderly Nutrition Program, Information Services, the SHINE Program, Prescription Advantage, Councils on Aging, Housing and Assisted Living Programs, the Family Caregiver Support Program, the Senior Community Service Employment Program and the Long Term Care Ombudsman Program.

## Home Care Program

The goal of the Home Care Program is to assist Massachusetts elders to live in their homes and communities with dignity and independence and to avoid or delay nursing home placement. The Home Care Program is operated by the network of 27 Aging Services Access Points (see Appendix A for a complete listing), community based non-profits located throughout the state. Using an interdisciplinary care management model, programs work with elders and family members to assess needs and develop service plans to meet those needs.

Eligibility for the Home Care Program is based on age, residence, income and ability to carry out daily tasks such as bathing, dressing and meal preparation. Service packages may include: homemaking services; personal care; home delivered meals; adult day health; home health services; and, grocery shopping and delivery. Respite Care services are available to families and other informal caregivers provided certain eligibility criteria are met. In addition, elders who are clinically eligible for nursing facility services may receive enhanced service plans to help them live at home. Also, care managers can help individuals access other services, programs and public benefits for which they may be eligible.

## Elderly Nutrition Program

Administered by the Executive Office of Elder Affairs, the Elderly Nutrition Program is a federal and state funded nutrition program, which allows local nutrition projects to provide nutritious meals to older adults. Promoting independence, the program provides to participants at least one meal a day, and in many cases additional meals including supper, holiday and weekend meals. As such, the program helps to reduce hunger and improve nutrition intake for elderly individuals in Massachusetts. Twenty-eight nutrition projects located throughout the state serve millions of nutritionally balanced meals at congregate housing sites as well as to frail elders in their homes.

Beyond addressing hunger, the program also helps to address issues of poor nutrition, food insecurity, chronic disease and social isolation. Multiple ethnic and culture specific meals, including Kosher, Russian, Latino, Chinese, Haitian and Cambodian, are provided. In addition, the program provides therapeutic meals, including modified, renal, cardiac, lactose-free, ground and puree, along with individual nutrition counseling and education for participants.

## Information Services

The Information Services Program includes the Community Care Ombudsman and the Information and Resources Programs. The goal of these programs is to seamlessly connect elders and disabled individuals to services in their communities and provide their family members a forum to ensure that they are receiving quality services. Through the Information and Resources Program, elders and their families are provided with information and referral to any of the myriad programs one may need. The Community Care Ombudsman Program assists elders and their families who are having problems dealing with issues in the receipt of community care services. Elders and their families are given a place to register their concerns and are reassured that someone will follow up and assist them in finding a solution.

## SHINE Program

The Serving the Health Information Needs of Elders Program (SHINE) is part of a national network of health insurance and counseling programs. Specifically, SHINE provides free, unbiased health insurance information, counseling, and assistance to Massachusetts residents with Medicare and their caregivers. Through one of 14 regional programs, volunteer health benefit counselors assist Medicare beneficiaries of all ages compare costs and benefits of various health plans, explain Medicare rights and protections, and how Medicare works with other plans. In addition, counselors can help beneficiaries file a Medicare appeal or grievance and assist with applying for help to pay for medical expenses when income and resources are limited. SHINE counselors work at senior centers, elder services agencies, hospitals and other community locations.

## Prescription Advantage

Prescription Advantage is the state prescription drug assistance program for seniors and people with disabilities in Massachusetts. The goal of the program is to help members maintain both their health and their economic security by making their prescription drug coverage more affordable. Despite the prescription drug coverage from Medicare, the high cost of prescription drugs has often forced people to cut or skip prescribed doses or simply stop taking their medication altogether. Prescription Advantage helps to ease this financial burden and improve medication compliance by reducing a member's out-of-pocket spending.

## Councils on Aging

The Executive Office of Elder Affairs provides funding and other support to the 349 municipal Councils on Aging (COAs) located in Massachusetts. These agencies serve as the focal points for a broad range of community-based social support services. COAs provide outreach, social and health services, advocacy and information and referral for elders, their families and caregivers. Relying on a large core of volunteers, COAs also provide direct services to elders including: transportation, nutrition, fitness and recreation, health insurance benefits counseling, health screening, education and supportive day care. Acting for many as a 'home away from home' that provides for companionship, peer support and a variety of activities, these senior centers help assist elders to remain independent in their homes for as long as possible.

## Housing and Assisted Living Programs

The Housing and Assisted Living Programs develop strategies to increase housing options and services for eligible seniors and people with disabilities. Administered by Elder Affairs, the Housing Division increases access to affordable housing and ensures that the quality of supportive housing services is appropriate.

Congregate Housing offers private bedrooms with shared facilities, including kitchens, dining rooms and/or bathrooms. Services are made available to aid residents in managing certain tasks in a supportive, but custodial, environment. Unlike congregate housing, Supportive Housing provides residents of public housing developments with a range of services, including personal care attendants, medication reminders, house cleaning, shopping and daily meals. Like traditional assisted living, services are offered on an as needed basis, 24 hours per day, and are provided by approved vendors.



Assisted Living residences offer housing, meals and personal care to residents, including bathing, dressing and medication reminders. The Executive Office of Elder Affairs must license all assisted living residences in Massachusetts. The Assisted Living Residences Certification Program is responsible for the oversight and certification of these residences. This program certifies qualified residences and offers the Assisted Living Ombudsman Program to provide advocacy, information and complaint resolution to consumers.

### **Massachusetts Family Caregiver Support Program**

The Massachusetts Family Caregiver Support Program (MFCSP) is administered through a partnership between local Area Agencies on Aging and Aging Services Access Points. Caring for a loved one can be overwhelming and at times stressful, even isolating. Yet, it also can be meaningful and rewarding. As such, it is critical that caregivers are aware of available services. Through the MFCSP, compassionate and knowledgeable professionals work directly with caregivers, providing guidance, support and attention that often is unavailable or overlooked. Services through this program might include: one-on-one counseling; family meetings; in-home assessment; in-home services; respite; nutrition services; transportation services; caregiver training; support groups; financial counseling; and, legal referrals.

### **Senior Community Service Employment Program**

The Senior Community Service Employment Program (SCSEP) provides job training and placement for people who are: age 55 and over; Massachusetts residents; and, have an income at or below 125% of the Federal Poverty Level. Each senior is evaluated to identify skills and training needs, and is then placed at a training site, being paid the state minimum wage for an average of 20 hours per week. The goal of the SCSEP is to help build skills that improve a senior's ability to find employment. This goal is achieved through a combination of work-training experience and traditional training. Additionally, other resources are often available that can improve seniors abilities to contribute to their community or to a private organization and ultimately find work.

### **Long Term Care and Assisted Living Ombudsman Program**

Life in a nursing or rest home is not always easy. Many residents are alone, and feel powerless. A Long Term Care Ombudsman is an advocate for residents living in long-term care facilities. Ombudsmen offer a way for residents and their loved ones to voice their complaints and have their concerns addressed so that residents can live their lives with dignity and respect.

The Executive Office of Elder Affairs, through 24 Local Program Areas, administers the Massachusetts Long Term Care Ombudsman Program. Ombudsmen work within the system to improve the quality of life and care of residents. Ombudsmen volunteers and staff are certified by the State Ombudsman and visit nursing and rest homes on a regular basis.

Elder Affairs also operates an Assisted Living Ombudsman Program. While Elder Affairs does not make recommendations, you may contact the Assisted Living Ombudsman Program to inquire if any complaints have been filed against any one ALR. The assisted living ombudsman also acts as a mediator and attempts to resolve problems or conflicts that arise between an assisted living

residence and one or more of its residents. Anyone can bring a complaint before the ombudsman. The complaint can be on behalf of a specific resident or on behalf of residents as a whole. A complaint can range from a violation of an applicable statute or regulations to residents' rights.

## **Office of Long-term Services and Supports (OLTSS) Fee-for-Service (FFS) Programs**

### **Durable Medical Equipment (DME)**

**Program Description:** Provides members with medically necessary equipment, accessories, or supplies in member's home. Certain customized DME may be provided to members in nursing facilities. Services include the purchase, rental, and repair of customized equipment, mobility equipment, absorbent products, Personal Emergency Response System (PERS), enteral and parenteral products, hospital beds, ostomy and surgical supplies.

**Eligible Members:** MassHealth covers DME services provided to eligible MassHealth members, subject to the restrictions and limitations described in MassHealth regulations. MassHealth regulations at 130 CMR 450.105 specifically state, for each coverage type, which services are covered, and which members

### **Early Intervention**

**Program Description:** The Early Intervention program is an integrated developmental therapeutic service for eligible children from birth to 3 years old and their families who have developmental delays due to an established disability, or be at risk due to certain birth or environmental circumstances.

### **Home Health Agency**

**Program Description:** Home Health Agencies provide nursing visits, home health aide services, physical therapy, speech therapy and occupational therapy services to MassHealth members in their homes and communities. Some home health agencies provide continuous skilled nursing (CSN) services (a nurse visit of more than 2 continuous hours). Home Health services are also covered by other insurance.

- Nursing;
- Home health aide; and
- Physical, occupational, and speech and language therapy.

### **Hospice Services**

**Program Description:** Hospice is an all-inclusive benefit and uses an interdisciplinary team to meet all the member's medical needs related to terminal illness. Hospice providers can be a public agency or private organization or subdivision of either of these that is primarily engaged in providing care to terminally ill individuals and meets the requirements of 130 CMR 437.000. The hospice model of care is based on a coordinated program of home and inpatient care, employing an interdisciplinary team to meet the special needs of terminally ill members.

### **Independent Nurse (Private Duty Nursing)**

**Program Description:** Independent Nurse Services (Private Duty Nursing) serves members with medically complex needs who require more than two continuous hours of nursing (CSN). Eligible

members are provided CSN services by Independent Nurses enrolled with MassHealth. Currently, the University of Massachusetts Medical School (UMMS) provides care management to complex-members receiving CSN services. The purpose of care management is to ensure that complex-care members are provided with a coordinated LTSS services plan that meets the member's needs.

### **Orthotics**

**Program Description:** The Orthotics Program provides medically necessary orthotics devices, including but not limited to shoes, braces and splints to MassHealth members at home and in nursing facilities in accordance with regulations. Other insurance covers orthotics. The Orthotics program also pays for the design and application of external appliances to support a paralyzed muscle, which promotes a specific motion to correct musculoskeletal deformities (includes the purchase, customization, fitting, repair, replacement, or adjustment of an orthosis or component part, or other activity performed or equipment provided).

### **Oxygen and Respiratory Therapy**

**Program Description:** The Oxygen and Respiratory program provides members with medically necessary equipment, accessories, or supplies in a member's home. The MassHealth regulations in 130 CMR 427.000 establish the requirements and procedures for the purchase, rental, and repair of oxygen and respiratory therapy equipment and supplies under the MassHealth program.

Oxygen therapy includes a comprehensive oxygen service that includes, but is not limited to, gaseous and liquid oxygen, oxygen-generating equipment and related delivery-systems container or cylinder, manifold system whenever high volume oxygen is used, stand, cart, walker or stroller, supply reservoir, contents indicator, regulator with flow gauge, humidification devices, cannula, mask, and special administration device tubing and refill adapter.

Respiratory therapy consist of modalities and necessary ancillary equipment generally used in the care and treatment of pulmonary insufficiency that are prescribed by a licensed physician or independent nurse practitioner for therapeutic and remedial effect and that meet standards required by federal or state law. Respiratory therapy devices include, but are not limited to, the complete device and its related delivery-system accessories, including regulator, humidification and heating units, filters, cannulas, masks, and special administration device tubing adapters.

### **Personal Care Attendant Program**

**Program Description:** The MassHealth Personal Care Attendant Program (PCA Program) is available to MassHealth members with permanent or chronic disabilities who require physical assistance with Activities of Daily Living (ADLs) and Instrumental Activities of Daily Living (IADLs).

The PCA Program is consumer directed. Consumers are the employers of the personal care attendants (PCAs) and are responsible for recruiting, hiring, training, firing and supervising their PCAs.

The PCA Program differs from other MassHealth Programs because elements of Provider Type 58, 59 and 66 are all incorporated into operating this program – thus the individual provider types can best be understood in relation to one another.

## **Prosthetics**

**Program Description:** The Prosthetics Program provides customization, fitting, repair, replacement, or adjustment of a prosthesis or component part, or other activity performed or equipment provided in accordance with 130 CMR 428.000.

## **Therapy Services**

**Program Description:** Physical Therapy (PT), Occupational Therapy (OT), and Speech/Language Therapy (ST) are delivered by independent therapists, rehabilitation centers, or speech and hearing centers. Therapy services, including diagnostic evaluation and therapeutic intervention are designed to improve, develop, correct, rehabilitate, or prevent the worsening of functions that affect the activities of daily living that have been lost, impaired, or reduced as a result of acute or chronic medical conditions, congenital anomalies, or injuries.

## **Adult Day Health**

**Program Description:** Adult Day Health (ADH) services are provided to eligible MassHealth members who require health services in a structured day setting. ADH provides an organized program of nursing, therapy, personal care, case management, counseling, and nutritional services in a day setting. Services provided to ADH members are based on an individual plan of care. Transportation of members to and from the ADH site is provided by ADH providers through their own transportation and/or contract with private carriers. ADH services are governed by 130 CMR 404.000 and 130 CMR 450.000.

## **Adult Foster Care**

**Program Description:** Adult Foster Care (AFC) services are provided in a host-family setting and include 24-hour assistance with activities of daily living (ADLs), instrumental activities of daily living (IADLs), nursing oversight, and care management. These services are available to eligible MassHealth members living in a private home that meets the AFC qualified setting standards. A MassHealth member receiving AFC services lives in their own home with an AFC caregiver or in the home of their AFC caregiver, who provide the AFC services. Nursing oversight services are provided by nurses during their scheduled home visits to the member. AFC services are governed by 130 CMR 408.000 and 130 CMR 450.000.

## **Day Habilitation Program**

**Program Description:** Day Habilitation (DH) provides services to adults with intellectual or developmental disabilities. These services are designed to provide a structured, goal-oriented program to raise the members' level of functioning, facilitate independent living and self-management in their communities. DH services are governed by 130 CMR 419.000 and 130 CMR 450.000.

## **Group Adult Foster Care**

**Program Description:** The Group Adult Foster Care (GAFC) Program provides daily assistance with personal care such as activities of daily living (ADL) and Instrumental Activities of Daily Living (IADL) and includes related nursing oversight and care management to MassHealth Members with disabilities and/or who are aging and who meet the clinical eligibility criteria for receipt of GAFC services.

## **Chronic Disease and Rehabilitation Outpatient Hospitals**

**Program Description:** Chronic Disease and Rehabilitation (CDR) hospitals provide a wide range of inpatient and outpatient services. Services for rehabilitation include, but not limited to: stroke, amputee, head injury, spinal cord injury, pulmonary or physical medicine and rehabilitation. Chronic services include, but not limited to: oncology, complex medical management, HIV and AIDS, complex wound management, post medical-surgical problems or congestive heart failure. CDR outpatient hospital services are governed by 130 CMR 410.000 and 130 CMR 450.000.

## **Nursing Facilities**

**Program Description:** Nursing Facilities (NFs) provide short-term and long-term skilled nursing services for eligible MassHealth members with medical, psychological and physical diagnoses that require 24-hour nursing care. NF services are governed by 130 CMR 456.000 and 130 CMR 450.000.

## **Massachusetts Office of the Attorney General**

The Office of the Attorney General Maura Healey acts as an advocate and resource for the Commonwealth and its residents, including protecting consumers, combatting fraud and corruption, protecting civil rights and promoting meaningful economic recovery. Elders are some of the most vulnerable residents of the Commonwealth. The Attorney General has forged partnerships with elder organizations to raise the profile of elder protection issues and provide training to help law enforcement and elder care professionals identify, investigate, and assist in the prosecution of elder abuse and financial scams.

The Office of the Attorney General has a statewide, toll-free telephone hotline to assist you on a wide range of elder issues. The Elder Hotline is available Monday through Friday, from 10 a.m. to 4 p.m. The Elder Hotline is set up for Massachusetts' elders, their families, and friends. It provides information about elder issues and programs, and can provide referrals. The hotline also offers dispute resolution services. Common concerns include abuse and exploitation of elders, identity theft and scams, debt and debt collection practices, home improvement disputes, landlord/tenant and housing issues and retail disputes.

## **Massachusetts District Attorneys**

The eleven (11) Massachusetts District Attorney's (DA) Offices are another critical resource in the aging services network. Each DA is responsible for the prosecution of the varied crimes that occur within his/her jurisdiction. While Elder Protective Services is responsible for service provision to abused elders, the local DA oversees any prosecution of elder abuse or exploitation, as appropriate. In addition to prosecution, many DA's offices have other programs geared toward prevention of elder abuse. Some conduct training programs for community professionals while others provide education and resource information for seniors and their families.

## **Massachusetts Department of Public Health**

As a part of the Massachusetts Department of Public Health (DPH), the Division of Health Care Quality (DHCQ) is mandated by state and federal statutes to license and certify approximately 6,000 health facilities to assure the delivery of quality health care services. Facilities include hospitals, nursing homes, rest homes, chronic renal dialysis units, home health agencies, hospices, ambulatory surgical centers,

clinical laboratories, blood banks, clinics, rehabilitative services and state schools. In addition, DHCQ investigates complaints against health care facilities and provides the referral mechanism by which criminal action may be taken by the Attorney General. DHCQ also investigates all complaints of patient abuse and neglect in long-term care facilities.

In addition to the licensing and complaint responsibilities noted above, DPH has additional programs that may be an appropriate resource for a particular elder, including various licensing divisions and domestic violence and sexual assault programs and initiatives.

## SECTION VIII: FINANCIAL ABUSE SPECIALIST TEAMS (FASTS)

**Case #1:** *Mr. Jones was reported to Elder Protective Services (PS) for various financial exploitation concerns. Specifically, there were concerns about monies being invested and not in the best interests of the elder, \$46,000 from an investment portfolio unaccounted for, and the elder visiting the financial institution with an unknown male and obtaining a cashier's check for \$7,500. Mr. Jones' brother is now his Durable Power of Attorney and much of the concerns occurred prior to this POA being activated, with the investment broker being the alleged perpetrator. The elder, his brother and the broker have known each other for many years and all worked collaboratively on investments, as the elder and his brother both had lucrative small businesses. The Protective Services investigation revealed that the unknown male at the financial institution was the broker, and the elder had no knowledge of the transaction. In addition, it was discovered that the elder's recently invested monies were suspect. Specifically posed to the FAST was 1) whether the broker could be held accountable for investing the elder's money (\$350,000 after the sale of a second home) in a way that does not seem to benefit the elder (i.e. long term investment); 2) whether the broker can be held accountable for the withdrawal of the \$7,500 that the elder did not have the capacity to consent to; and, 3) how best to secure the elder's monies moving forward.*

**Case #2:** *Elder Protective Services became involved with Mr. Long as it was reported that he was having difficulty paying his bills and the utility companies were beginning to threaten to shut off services. PS identified that the elder's income via Social Security was about \$1,500 per month, but that his income did not get direct deposited into a financial institution. Instead, the monies went directly onto a Direct Express Card and PS was unable to obtain any information from that company about their services or where monies went. PS sought assistance from the FAST to explain what exactly a Direct Express Card is; oversight, or lack thereof, by Social Security; whether monies can be traced; and how best to transfer the elder from this type of money management to another more appropriate system.*

### Introduction to FASTS

Section 204 of Chapter 139 of the Acts of 2012, as amended by Section 147 of Chapter 38 of the Acts of 2013, set forth a special commission on Elder Protective Services to:

- Examine strategies to increase public awareness of elder abuse and mechanisms for reporting said abuse;
- Assess the funding and programming needed to enhance elder protective services to the growing elder population and examine best practices for the prevention and detection of elder abuse;
- Examine methods for addressing the high cost of financial exploitation investigations and expanding the availability of affordable legal services and financial advisory services for elders; and
- Examine the development of elder abuse multidisciplinary teams to provide consultation on protective services cases and perform critical incident case reviews.

The Special Commission on Elder Protective Services, comprised of 17 members, submitted its Report of Recommendations to the General Court on October 23, 2014. The Commission adopted the following recommendations from the Financial Exploitation working group:

- Development of multi-disciplinary teams for financial exploitation cases;
- Development of professional resources for education and prevention programs; and
- Expansion of training resources for industries/professionals who serve the elder financial marketplace.

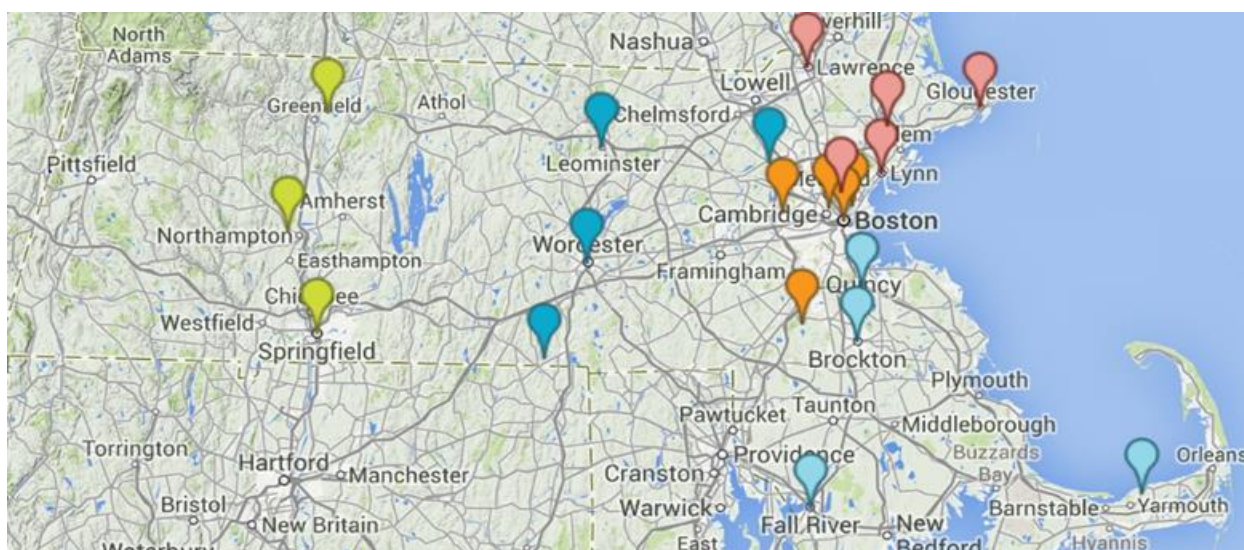
The Commission adopted the multi-disciplinary FAST approach to assist Protective Service Workers who are charged with investigating allegations of financial exploitation of elders and remedying said abuse. Protective Service Workers, whose background and training are primarily from the social and human services disciplines, often require additional training and guidance in determining whether alleged financial exploitation occurred. The assets and wealth of elders have changed from holding savings and checking accounts to holding more complex financial instruments such as investments, real estate and trust accounts. Other facets include undue influences such as lottery/investment scams, telemarketing, direct mail, loans, credit cards and refinancing, as well as legal documents including power of attorney, guardianship and conservatorship. In addition to protective service management members (i.e., supervisors and program directors) in the region, FASTs would be comprised of specialists from the financial professions (e.g., CPAs and financial planners), banks and credit unions, and individuals from the legal fields, such as attorneys (who work in the area of probate law or legal services), law enforcement officials and District Attorneys.

The Commission created a FAST Advisory Board that includes three members of the Special Commission and five additional members. The FAST Advisory Board was tasked with designing the core structure of FAST, identifying the criteria for FAST case reviews, developing a resource directory of experts, and creating a FAST charter and bylaws.

### **FAST Team Structure and Management**

Twenty (20) Elder Protective Services (PS) Agencies were clustered into five FAST regions that covered the Commonwealth geographically. The map and table below show the final grouping of Elder Protective Services regions corresponding to each FAST region.





FAST Region	Elder Protective Services Region
Greater Boston ( <b>orange</b> )	Central Boston Elder Services, Inc. HESSCO Elder Services Somerville/Cambridge Elder Services, Inc. <b>Springwell, Inc.</b>
Metrowest/Central ( <b>turquoise</b> )	<b>Elder Services of Worcester Area, Inc.</b> Minuteman Senior Services Montachusett Home Care Corporation Tri-Valley Elder Services, Inc.
Northeast ( <b>pink</b> )	<b>Elder Services of Merrimack Valley, Inc.</b> Greater Lynn Senior Services, Inc. Mystic Valley Elder Services, Inc. North Shore Elder Services, Inc. SeniorCare, Inc.
South Coast ( <b>light blue</b> )	<b>Bristol Elder Services, Inc.</b> Elder Services of Cape Cod and the Islands, Inc. Old Colony Elder Services, Inc. South Shore Elder Services, Inc.
West ( <b>yellow</b> )	Franklin County Home Care Corporation <b>Greater Springfield Senior Services, Inc.</b> Highland Valley Elder Services Inc.

Each region was assigned a lead PS agency (bolded agencies), which are responsible for the ongoing recruitment of volunteers and organizing regular FAST meetings.

### **Membership of FASTs**

Membership of each FAST consists of the chair, who is either a Protective Services Supervisor or Program Director from the lead protective services agency, the Protective Services Worker and Supervisor presenting the case(s) to the team, and volunteer consultants who are chosen based on the consultation needs of the cases to be presented. These include:

- Members from the law enforcement/prosecution/legal communities;
- Members from the financial services community, including but not limited to financial institution management, security and compliance officers, and financial planners; and
- Money management representatives.

### **Training for FAST Members**

Three on-line training sessions were designed for use by FAST members and must be completed prior to participation: 'An Overview of the Massachusetts Elder Protective Services Program,' 'Elder Financial Exploitation, Fraud and Scams;' and, 'Financial Abuse Specialist Teams (FAST): Expectations and Roles of Fast Members.' A direct link to these training modules allows team members to complete the training sessions prior to participating in any meetings.

As many of the FAST members may not have much knowledge of the Elder Protective Services Program, the basic training on the PS program provides an overview of the program, key points and philosophies of the program, types of abuse, the investigation process, service provision, and court and legal intervention. The second training session provides more details of elder financial exploitation. Using examples to highlight situations, this training segment presents types of financial exploitation, possible warning signs, impact of financial exploitation, and steps to prevention.

The final component of the training outlines the expectations and roles of FAST members. Highlights include the reasons for developing these teams and the purpose of a FAST. Confidentiality guidelines and other terms of participation are also noted. FAST members are informed of their timeframe commitment, frequency of meetings, the possibility of phone and/or email consults and the overall referral process. In addition, they are trained on what is expected of them as part of these meetings, specifically that they are part of a consultation team and will be asked to assist in answering questions and providing guidance based on their area of expertise.

In addition to ensuring FAST volunteers have a basic understanding of the Elder Protective Services Program and their roles and responsibilities, it is also important for FAST members to protect confidential information belonging to those benefiting from the services provided. To that end, maintaining confidentiality is a critical aspect of FAST practices. In addition, FAST members should be mindful of avoiding a conflict of interest. Further, no member of a FAST Team shall derive any personal profit or gain, directly or indirectly, by reason of his or her participation.

## Time Commitment

As the number of consultations for each FAST cannot be predicted, each team is encouraged to rotate membership as appropriate and requested. Allowing members to participate for a shorter timeframe, such as six (6) months, helps to prevent member burnout. In addition, rotation is an incentive for becoming involved as the commitment is for a shorter period of time versus an indefinite commitment. Also, rotating membership allows for broader community participation.

FAST members are asked to commit to a minimum of six (6) months, with the flexibility of remaining on the team longer or indefinitely depending on availability, interest and need. Routine team meetings occur at least every eight (8) weeks, and are scheduled more frequently depending on the availability and willingness of team members. Each member is required to be present for at least the meetings where their expertise is needed. Team meetings are in person at a location designated by each region. Rotation of team meeting locations is another measure that can be introduced by individual regions if appropriate. In addition to the team meetings, each Regional Chair identifies cases that require a rapid response.

Only those members whose expertise is required for the rapid response need to be involved, and these meetings can be done via phone conferencing, email or other means as agreed upon by the regional team members.

## Development of Referral Criteria

A Protective Services Worker seeking a FAST review for a case is required to complete a seven-part Referral Form. Developed by the FAST Advisory Board in consultation with the Protective Services Agencies, this template contains the following sections:

- General Information: age; living situation; medical diagnoses and other factors (e.g. mental health or substance abuse concerns; cognitive impairments; and the elder's capacity to consent to financial matters);
- Fiduciary Information: presence of a Power of Attorney or other fiduciaries (i.e. guardian, conservator, representative payee and/or trustee);
- Alleged Perpetrator Information: relationship to elder;
- Allegations, Case Summary and Involved Parties: allegations being investigated; investigation and case status; and other people involved in the situation;
- Elder's Financial Information: source of elder's income and amount per month, additional sources of income, and other types of assets;
- Problems Encountered and Questions for FAST: problems encountered by PS during the investigation and/or intervention and any specific feedback sought from the FAST; and
- Financial and Legal Documents: documents obtained, pending or unable to obtain and reasons.

The submitting PS agency is required to redact names and account numbers from all of the documents prior to submission of the referral form to the Regional FAST Chair. The Regional Chair will then determine whether the referral is appropriate for a FAST review and response time needed. If the Regional Chair does not feel a FAST review is appropriate or there is any disagreement between the

Regional Chair and submitting PS Agency, the Regional Chair is required to contact a PS Regional Manager or the PS Program Director at the Executive Office of Elder Affairs.

As part of this determination whether the case will go to a FAST review, the Regional Chair is required to complete a FAST Screening Form. When assessing response time, the Regional Chair will determine whether the referral requires a routine or rapid response. A routine response indicates that the referral will be presented at the next scheduled FAST meeting, while a rapid response indicates the Regional Chair will seek consultation with FAST volunteers by phone or secure email.

## **FAST Meetings**

Unless a referral requires a rapid response (i.e. a review before the next scheduled meeting), FAST meetings are held at least every eight (8) weeks. Organized by the lead PS Agencies, a PS Supervisor and/or Worker present the case to the volunteer consultants who provide advice and direction. Any redacted documents or materials needed for the discussion are provided to the volunteers at the meetings.

## **Establishing Outcome Measures**

Outcome measures reflect the major purpose for the establishment of FAST. Six goals are listed with possible outcome measures to monitor how FAST will have improved the protective service worker's ability to investigate and respond to financial exploitation cases:

- Reduce the investigation time needed to make a determination on an allegation of financial abuse investigation from 90 days to 60 days or less;
- Substantiate cases based on accurate interpretation of financial and legal documents.
- Expedite intervention activities of victims of financial abuse;
- Provide community resources for protective service workers and victims wherein remedying would not resort to conservatorship or court intervention;
- Institute legal actions against perpetrators (under discussion such as increased efforts on prosecution, recovering of lost funds, etc.);
- Develop additional protective services practices and policies to train protective services workers to better investigate and substantiate financial exploitation (under discussion).

Outcome measures include:

- Numbers of substantiated financial abuse cases.
- Number of days to determine allegations of financial abuse;
- Numbers of cases closing with outcomes of "risk reduced" versus "risk unchanged";
- Feedback obtained on the extent/degree of helpfulness FAST provided in determining allegation of financial abuse and remedying financial abuse;
- At the close of each FAST 6-month commitment, suggestions, practices or policies obtained from the financial and legal pro bono volunteers.

**For questions about the FAST process, please contact Protective Services at the Executive Office of Elder Affairs by calling (617) 727-7750.**

## APPENDICES

### APPENDIX A: PROTECTIVE SERVICES AGENCIES, NON-PS AGING SERVICES ACCESS POINTS, AND MONEY MANAGEMENT PROGRAMS

<p align="center"><b>Massachusetts Elder Abuse Hotline</b> (Centralized Intake Unit) Tel: (800) 922-2275</p>	
<p><b>Baypath Elder Services</b> 33 Boston Post Road West Marlborough, MA 01752-1853 (508) 573-7200</p>	<p><b>Non-PS ASAP: Protective Services area split between Springwell and Elder Services of Worcester Area</b> Money Management Program</p>
<p><b>Boston Senior Home Care</b> 89 South Street Lincoln Plaza, Suite 501 Boston, MA 02111 (617) 292-6211</p>	<p><b>Non-PS ASAP: Protective Services area covered by Central Boston Elder Services</b></p>
<p><b>Bristol Elder Services, Inc.</b> 1 Father DeValles Blvd., Unit-8, Suite 101 Fall River, MA 02723 Tel: (508) 675-2101 Fax: (508) 679-0320</p>	<p>Acushnet, Attleboro, Berkley, Dartmouth, Dighton, Fairhaven, Fall River, Freetown, Gosnold, Mansfield, Marion, Mattapoisett, New Bedford, North Attleboro, Norton, Raynham, Rehoboth, Rochester, Seekonk, Somerset, Swansea, Taunton, and Westport</p>
<p><b>Central Boston Elder Services, Inc.</b> 2315 Washington Street Boston, MA 02119 Tel: (617) 277-7416 Fax: (617) 991-9772</p>	<p>Allston, Back Bay, Beacon Hill/West End, Brighton, Charlestown, Chinatown, Columbia Point, Downtown Boston, East Boston, Dorchester, Fenway, Hyde Park, Jamaica Plain, Mattapan, North End, Parker Hill, Roslindale, Roxbury, South Boston, South End, and West Roxbury</p>

<b>Coastline Elderly Services</b> 1646 Purchase Street New Bedford, MA 02740 (508) 999-6400	<b>Non-PS ASAP: Protective Services area covered by Bristol Elder Services</b> Money Management Program- also handles for Bristol Elder Services area
<b>Elder Services of Berkshire County</b> 877 South Street, Suite 4E Pittsfield, MA 01201 (413) 499-0524	<b>Non-PS ASAP: Protective Services area covered by Lifepath</b> Money Management Program
<b>Elder Services of Cape Cod &amp; Islands, Inc.</b> 68 Route 134 South Dennis, MA 02660 Tel: (508) 394-4630 Fax: (508) 394-3712	Barnstable, Bourne, Brewster, Chatham, Chilmark, Dennis, Eastham, Edgartown, Falmouth, Gay Head, Harwich, Mashpee, Nantucket, Oak Bluffs, Orleans, Provincetown, Sandwich, Tisbury, Truro, Wellfleet, West Tisbury, Yarmouth  Money Management Program
<b>Elder Services of the Merrimack Valley, Inc.</b> 360 Merrimack Street, Bldg. 5 Lawrence, MA 01843 Tel: (978) 683-7747 Tel: (800) 892-0890 Fax: (978) 687-1067	Amesbury, Andover, Billerica, Boxford, Chelmsford, Dracut, Dunstable, Georgetown, Groveland, Haverhill, Lawrence, Lowell, Merrimack, Methuen, Newbury, Newburyport, North Andover, Rowley, Salisbury, Tewksbury, Tyngsboro, Westford, West Newbury  Money Management Program
<b>Elder Services of Worcester Area, Inc.</b> 67 Millbrook St. Suite 100 Worcester, MA 01606 Tel: (508) 756-1545 (General) Tel: (508) 852-3205 (PS Direct) Fax: (508) 856-0375	Auburn, Barre, Boylston, Grafton, Hardwick, Holden, Hudson, Leicester, Marlboro, Millbury, New Braintree, Northborough, Oakham, Paxton, Rutland, Shrewsbury, Southborough, Westborough, West Boylston, Worcester  Money Management Program
<b>Ethos</b> 555 Amory Street Jamaica Plain, MA 02130 (617)522-6700	<b>Non-PS ASAP: Protective Services area covered by Central Boston Elder Services</b>  Money Management Program- also handles Central Boston and Boston Senior areas (entire city of Boston)

<p style="text-align: center;"><b>LifePath</b>  <b>(formerly Franklin County Home Care Corporation and Berkshire PS program)</b>  101 Munson St Suite 201  Greenfield, MA 01301  Tel: (800) 732-4636  Tel: (413) 773-5555  Fax: (413) 772-1084</p> <p style="text-align: center;">Berkshire County:  1 Fenn Street  Pittsfield, MA 01201  Phone: 855-874-3242  Fax: 413-344-4453</p>	<p style="text-align: center;"><b>Franklin County:</b>  Ashfield, Athol, Bernardston, Buckland, Charlemont, Colrain, Conway, Deerfield, Erving, Gil, Greenfield, Hawley, Heath, Leverett, Leyden, Monroe, Montague, New Salem, Northfield, Orange, Petersham, Phillipston, Rowe, Royalston, Shelburne, Shutesbury, Sunderland, Turners Falls, Warwick, Wendell, Whately</p> <p style="text-align: center;">Money Management Program</p> <p style="text-align: center;"><b>Berkshire County:</b>  Adams, Alford, Becket, Cheshire, Clarksburg, Dalton, Egremont, Florida, Great Barrington, Hancock, Hinsdale, Lanesborough, Lee, Lenox, Monterey, Mt. Washington, New Ashford, New Marlboro, North Adams, Otis, Peru, Pittsfield, Savoy, Sheffield, Stockbridge, Tyringham, Washington, West Stockbridge, Williamstown, Windsor</p>
<p style="text-align: center;"><b>Greater Lynn Senior Services, Inc.</b>  8 Silsbee Street  Lynn, MA 01901  Tel: (781) 599-0110  Fax: (781) 592-7540</p>	<p style="text-align: center;">Lynn, Lynnfield, Nahant, Saugus, Swampscott</p> <p style="text-align: center;">Money Management Program</p>
<p style="text-align: center;"><b>Greater Springfield Senior Services, Inc.</b>  66 Industry Ave., Suite 9  Springfield, MA 01104  Tel: (413) 781-8800  Fax: (413) 781-0632</p>	<p style="text-align: center;">Agawam, Belchertown, Brimfield, Chicopee, East Longmeadow, Feeding Hills, Granby, Hampden, Holland, Holyoke, Longmeadow, Ludlow, Monson, Palmer, South Hadley, Springfield, Wales, Ware, West Springfield, Wilbraham</p> <p style="text-align: center;">Money Management Program</p>
<p style="text-align: center;"><b>Health &amp; Social Services Consortium, Inc.</b>  <b>HESSCO</b>  1 Merchant Street  Sharon, MA 02067  Tel: (800) 462-5221  Tel: (781) 784-4944  Fax: (781) 784-4922</p>	<p style="text-align: center;">Canton, Dedham, Foxboro, Medfield, Millis, Norfolk, Norwood, Plainville, Sharon, Walpole, Westwood, Wrentham</p> <p style="text-align: center;">Money Management Program</p>



<b>Highland Valley Elder Service Center, Inc.</b> 320 Riverside Drive, Suite B Northampton, MA 01062-2700 Tel: (413) 586-2000 Tel: (800) 322-0551 Fax: (413) 584-7076	Amherst, Blanford, Chester, Chesterfield, Cummington, Easthampton, Florence, Goshen, Granville, Hadley, Hatfield, Huntington, Middlefield, Montgomery, Northampton, Pelham, Plainfield, Russell, Southampton, Southwick, Tolland, Westfield, Westhampton, Williamsburg, Worthington  Money Management Program
<b>Minuteman Senior Services</b> 26 Crosby Drive Bedford, MA 01730 Tel: (781) 272-7177 Fax: (781) 229-6190	Acton, Arlington, Bedford, Boxboro, Burlington, Carlisle, Concord, Harvard, Lexington, Lincoln, Littleton, Maynard, Stow, Wilmington, Winchester, Woburn  Money Management Program
<b>Montachusett Home Care Corporation</b> 680 Mechanic Street, Suite 120 Leominster, MA 01453 Tel: (978)537-7411 Fax: (978) 537-9843	Ashburnham, Ashby, Ayer, Berlin, Bolton, Clinton, Fitchburg, Gardner, Groton, Hubbardston, Lancaster, Leominster, Lunenburg, Pepperell, Princeton, Shirley, Sterling, Templeton, Townsend, Westminster, Winchendon  Money Management Program
<b>Mystic Valley Elder Services, Inc.</b> 300 Commercial Street, #19 Malden, MA 02148 Tel: (781) 324-7705 Fax: (781) 324-1369	Chelsea, Everett, Malden, Medford, Melrose, North Reading, Reading, Revere, Stoneham, Wakefield, Winthrop  Money Management Program
<b>North Shore Elder Services, Inc.</b> 300 Rosewood Drive Danvers, MA 01923 Tel: (978) 750-4540 Fax: (978) 750-8053	Danvers, Marblehead, Middleton, Peabody, Salem  Money Management Program
<b>Old Colony Elder Services, Inc.</b> 144 Main Street Brockton, MA 02301 Tel: (508) 584-1561 Fax: (508) 897-0031	Abington, Avon, Bridgewater, Brockton, Carver, Duxbury, East Bridgewater, Easton, Halifax, Hanover, Hanson, Kingston, Lakeville, Marshfield, Middleborough, Pembroke, Plymouth, Plympton, Rockland, Stoughton, Wareham, West Bridgewater, Whitman  Money Management Program

<b>SeniorCare, Inc.</b> 49 Blackburn Center Gloucester, MA 01930 Tel: (978) 281-1750 Fax: (978) 282-1354	Beverly, Essex, Gloucester, Hamilton, Ipswich, Manchester-by-the-Sea, Rockport, Topsfield, Wenham  Money Management Program
<b>Somerville-Cambridge Elder Services, Inc.</b> 61 Medford Street Somerville, MA 02143 Tel: (617) 628-2601 Fax: (617) 628-1085	Cambridge, Somerville  Money Management Program
<b>South Shore Elder Services, Inc.</b> 1515 Washington Street Braintree, MA 02184 Tel: (781) 848-3910 (781)383-9790 Fax: (781) 843-8279	Braintree, Cohasset, Hingham, Holbrook, Hull, Milton, Norwell, Quincy, Randolph, Scituate, Weymouth  Money Management Program
<b>Springwell, Inc.</b> 307 Waverly Oaks Road, Suite 205 Waltham, MA 02452 Tel: (617) 926-4100 Fax: (617) 924-5144	Ashland, Belmont, Brookline, Dover, Framingham, Holliston, Hopkinton, Natick, Needham, Newton, Sherborn, Sudbury, Waltham, Watertown, Wayland, Wellesley, Weston  Money Management Program
<b>Tri-Valley, Inc.</b> 10 Mill Street Dudley, Ma. 01571 Tel: (508) 949-6640 Tel: (800) 286-6640 Fax: (508) 949-6652	Bellingham, Blackstone, Brookfield, Charlton, Douglas, Dudley, East Brookfield, Franklin, Hopedale, Medway, Mendon, Milford, Millville, Northbridge, North Brookfield, Oxford, Southbridge, Spencer, Sturbridge, Sutton, Upton, Uxbridge, Warren, Webster, West Brookfield  Money Management Program
<b>West Mass Elder Care</b> 4 Valley Mill Road Holyoke, MA 01040 (413) 538-9020	<b>Non-PS ASAP: Protective Services area  covered by Greater Springfield Senior  Services</b>  Money Management Program

## APPENDIX B: CROSS LISTING BY TOWN – PROTECTIVE SERVICES AGENCIES

BES:	Bristol Elder Services, Inc. (508) 675-2101	MHCC:	Montachusett Home Care Corporation (978) 537-7411
CBES:	Central Boston Elder Services, Inc. (617) 442-4200	MSS:	Minuteman Senior Services (781) 272-7177
ESWA:	Elder Services of Worcester Area, Inc. (508) 756-1545	MVES:	Mystic Valley Elder Services, Inc. (781) 324-7705
ESCCI:	Elder Services of Cape Cod and the Islands, Inc. (800) 244-4630	NSES:	North Shore Elder Services, Inc. (978) 750-4540
ESMV:	Elder Services of the Merrimack Valley, Inc. (800) 892-0890	OCES:	Old Colony Elder Services, Inc. (508) 584-1561
GLSS:	Greater Lynn Senior Services, Inc. (781) 599-0110	SC:	SeniorCare, Inc. (978) 281-1750
GSSI:	Greater Springfield Senior Services, Inc. (413) 781-8800	SOM/CAM:	Somerville/Cambridge Elder Services, Inc. (617) 628-2601
HESSCO	Health and Social Services Consortium, Inc. (800) 462-5221	SPRING:	Springwell, Inc. (617) 926-4100
HVES:	Highland Valley Elder Service Center, Inc. (800) 322-0551	SSES	South Shore Elder Services, Inc. (781) 848-3910
LIFE:	LifePath, Inc. (413) 773-5555	TEVS:	Tri-Valley, Inc. (508) 949-6640
LIFE/BC: LifePath for Berkshire County (855) 874-3242			
Elder Abuse Hotline 1-800-AGE-INFO 1-800-922-2275 1-800-243-4636			

Abington	OCES	<i>Boston Neighborhoods</i>		Cohasset	SSES
Acton	MSS	Downtown	CBES	Colrain	LIFE
Acushnet	BES	Fenway	CBES	Concord	MSS
Adams	LIFE/BC	Hyde Park	CBES	Conway	LIFE
Agawam	GSSI	Jamaica Plain	CBES	Cummington	HVES
Alford	LIFE/BC	Mattapan	CBES	Dalton	LIFE/BC
Amesbury	ESMV	North End	CBES	Danvers	NSES
Amherst	HVES	Parker Hill	CBES	Dartmouth	BES
Andover	ESMV	Roslindale	CBES	Dedham	HESSCO
Arlington	MSS	Roxbury	CBES	Deerfield	LIFE
Ashburnham	MHCC	South Boston	CBES	Dennis	ESCCI
Ashby	MHCC	South End	CBES	Dighton	BES
Ashfield	LIFE	West Roxbury	CBES	Douglas	TVES
Ashland	SPRING			Dover	SPRING
Athol	LIFE	Bourne	ESCCI	Dracut	ESMV
Attleboro	BES	Boxborough	MSS	Dudley	TVES
Auburn	ESWA	Boxford	ESMV	Dunstable	ESMV
Avon	OCES	Boylston	ESWA	Duxbury	OCES
Ayer	MHCC	Braintree	SSES	East Bridgewater	OCES
Barnstable	ESCCI	Brewster	ESCCI	East Brookfield	TVES
Barre	ESWA	Bridgewater	OCES	East Longmeadow	GSSSI
Beckett	LIFE/BC	Brimfield	GSSSI	Eastham	ESCCI
Bedford	MSS	Brockton	OCES	Easthampton	HVES
Belchertown	GSSSI	Brookfield	TVES	Easton	OCES
Bellingham	TVES	Brookline	SPRING	Edgartown	ESCCI
Belmont	SPRING	Buckland	LIFE	Egremont	LIFE/BC
Berkley	BES	Burlington	MSS	Erving	LIFE
Berlin	MHCC	Cambridge	SOM/CAM	Essex	SC
Bernardston	LIFE	Canton	HESSCO	Everett	MVES
Beverly	SC	Carlisle	MSS	Fairhaven	BES
Billerica	ESMV	Carver	OCES	Fall River	BES
Blackstone	TVES	Charlemont	LIFE	Falmouth	ESCCI
Blandford	HVES	Charlton	TVES	Feeding Hills	GSSSI
Bolton	MHCC	Chatham	ESCCI	Fitchburg	MHCC
<i>Boston Neighborhoods</i>		Chelmsford	ESMV	Florence	HVES
Allston/Brighton	CBES	Chelsea	MVES	Florida	LIFE/BC
Beacon Hill/W. End	CBES	Cheshire	LIFE/BC	Foxborough	HESSCO
Back Bay	CBES	Chester	HVES	Framingham	SPRING
Charlestown	CBES	Chesterfield	HVES	Franklin	TVES
Chinatown	CBES	Chicopee	GSSSI	Freetown	BES
Columbia Point	CBES	Chilmark	ESCCI	Gardner	MHCC
East Boston	CBES	Clarksburg	LIFE/BC	Gay Head	ESCCI
Dorchester	CBES	Clinton	MHCC	Georgetown	ESMV

Gill	LIFE	Lawrence	ESMV	Montague	LIFE
Gloucester	SC	Lee	LIFE/BC	Monterey	LIFE/BC
Goshen	HVES	Leicester	ESWA	Montgomery	HVES
Gosnold	BES	Lenox	LIFE/BC	Mt. Washington	LIFE/BC
Grafton	ESWA	Leominster	MHCC	Nahant	GLSS
Granby	GSSSI	Levrett	LIFE	Nantucket	ESCCI
Granville	HVES	Lexington	MSS	Natick	SPRING
Great Barrington	LIFE/BC	Leydon	LIFE	Needham	SPRING
Greenfield	LIFE	Lincoln	MSS	New Ashford	LIFE/BC
Groton	MHCC	Littleton	MSS	New Bedford	BES
Groveland	ESMV	Longmeadow	GSSSI	New Braintree	ESWA
Hadley	HVES	Lowell	ESMV	New Marlborough	LIFE/BC
Halifax	OCES	Ludlow	GSSSI	New Salem	LIFE
Hamilton	SC	Lunenburg	MHCC	Newbury	ESMV
Hampden	GSSSI	Lynn	GLSS	Newburyport	ESMV
Hancock	LIFE/BC	Lynnfield	GLSS	Newton	SPRING
Hanover	OCES	Malden	MVES	Norfolk	HESSCO
Hanson	OCES	Manchester	SC	North Adams	LIFE/BC
Hardwick	ESWA	Mansfield	BES	North Andover	ESMV
Harvard	MSS	Marblehead	NSES	North Attleboro	BES
Harwich	ESCCI	Marion	BES	North Brookfield	TVES
Hatfield	HVES	Marlborough	ESWA	North Reading	MVES
Haverhill	ESMV	Marshfield	OCES	Northampton	HVES
Hawley	LIFE	Mashpee	ESCCI	Northborough	ESWA
Heath	LIFE	Mattapoisett	BES	Northbridge	TVES
Hingham	SSES	Maynard	MSS	Northfield	LIFE
Hinsdale	LIFE/BC	Medfield	HESSCO	Norton	BES
Holbrook	SSES	Medford	MVES	Norwell	SSES
Holden	ESWA	Medway	TVES	Norwood	HESSCO
Holland	GSSSI	Melrose	MVES	Oak Bluffs	ESCCI
Holiston	SPRING	Mendon	TVES	Oakham	ESWA
Holyoke	GSSSI	Merrimac	ESMV	Orange	LIFE
Hopedale	TVES	Methuen	ESMV	Orleans	ESCCI
Hopkington	SPRING	Middleborough	OCES	Otis	LIFE/BC
Hubbardston	MHCC	Middlefield	HVES	Oxford	TVES
Hudson	ESWA	Middleton	NSES	Palmer	GSSSI
Hull	SSES	Milford	TVES	Paxton	ESWA
Huntington	HVES	Millbury	ESWA	Peabody	NSES
Ipswich	SC	Millis	HESSCO	Pelham	HVES
Kingston	OCES	Millville	TVES	Pembroke	OCES
Lakeville	OCES	Milton	SSES	Pepperell	MHCC
Lancaster	MHCC	Monroe	LIFE	Petersham	LIFE
Lanesborough	LIFE/BC	Monson	GSSSI	Phillipston	LIFE

Pittsfield	LIFE/BC	Somerset	BES	Spencer	TVES
Plainfield	HVES	Somerville	SOM/CAM	Wellesley	SPRING
Plainville	HESSCO	South Hadley	GSSSI	Wellfleet	ESCCI
Plymouth	OCES	Southampton	HVES	Wendell	LIFE
Plympton	OCES	Southborough	ESWA	Wenham	SC
Princeton	MHCC	Southbridge	TVES	West Boylston	ESWA
Provincetown	ESCCI	Southwick	HVES	West Bridgewater	OCES
Quincy	SSES	Spencer	TVES	West Brookfield	TVES
Randolph	SSES	Springfield	GSSSI	West Newbury	ESMV
Raynham	BES	Sterling	MHCC	West Springfield	GSSSI
Reading	MVES	Stockbridge	LIFE/BC	West Stockbridge	LIFE/BC
Rehoboth	BES	Stoneham	MVES	West Tisbury	ESCCI
Revere	MVES	Southwick	HVES	Westborough	ESWA
Richmond	LIFE/BC	Spencer	TVES	Westfield	HVES
Rochester	BES	Springfield	GSSSI	Westford	ESMV
Rockland	OCES	Sterling	MHCC	Westhampton	HVES
Rockport	SC	Stockbridge	LIFE/BC	Westminster	MHCC
Rowe	LIFE	Stoneham	MVES	Weston	SPRING
Rowley	ESMV	Southwick	HVES	Westport	BES
Royalston	LIFE	Spencer	TVES	Westwood	HESSCO
Russell	HVES	Springfield	GSSSI	Weymouth	SSES
Rutland	ESWA	Sterling	MHCC	Whatley	LIFE
Salem	NSES	Stockbridge	LIFE/BC	Whitman	OCES
Salisbury	ESMV	Stoneham	MVES	Wilbraham	GSSSI
Sandisfield	LIFE/BC	Southwick	HVES	Williamsburg	HVES
Sandwich	ESCCI	Spencer	TVES	Williamstown	LIFE/BC
Saugus	GLSS	Springfield	GSSSI	Wilmington	MSS
Savoy	LIFE/BC	Sterling	MHCC	Winchendon	MHCC
Scituate	SSES	Stockbridge	LIFE/BC	Winchester	MSS
Seekonk	BES	Stoneham	MVES	Windsor	LIFE/BC
Sharon	HESSCO	Southwick	HVES	Winthrop	MVES
Sheffield	LIFE/BC	Spencer	TVES	Woburn	MSS
Shelburne	SPRING	Springfield	GSSSI	Worcester	ESWA
Sherborn	SPRING	Sterling	MHCC	Worthington	HVES
Shirley	MHCC	Stockbridge	LIFE/BC	Wrentham	HESSCO
Shrewsbury	ESWA	Stoneham	MVES	Yarmouth	ESCCI
Shutesbury	LIFE	Southwick	HVES		

## **APPENDIX C: LISTING OF OTHER INVESTIGATORY AND/OR OVERSIGHT AGENCIES**

### **Massachusetts Office of the Attorney General**

One Ashburton Place  
Boston, MA 02108  
(617) 727-2200 TTY: (617) 727-4765  
E-mail address: [age@state.ma.us](mailto:age@state.ma.us)  
[www.mass.gov/ago](http://www.mass.gov/ago)

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### **Massachusetts Attorney General's Regional Offices**

1441 Main Street, Twelfth Floor  
Springfield, MA 01103  
(413) 784-1240

105 William Street, 1st Floor  
New Bedford, MA 02740  
(508) 990-9700

10 Mechanic Street, Suite 301  
Worcester, MA 01608  
(508) 792-7600

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## **Additional Hotlines Within the Massachusetts Office of the Attorney General**

Consumer Advocacy & Response Division Hotline (617) 727-8400

Elder Hotline  
(888) 243-5337

Healthcare and Health Insurance Hotline  
(888) 830-6277

Health Care Division Helpline  
(888) 830-6271

Civil Rights Division  
(617) 963-2917

Medicaid Fraud Tipline  
(617) 963-2360

Victim Witness and Assistance Division  
(617) 727-2200

Fair Labor Division  
(617) 727-3465

Insurance and Financial Services Mediation Program  
(888) 830-6277

Civil Rights Division  
(617) 963-2917

Medicaid Fraud Tipline  
(617) 963-2360

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<p><b>Executive Office of Elder Affairs</b> One Ashburton Place, 5th Floor Boston, MA 02108</p> <p>1-800-AGE-INFO (1-800-243-4636) Elder Abuse Hotline: 1-800-922-2275</p> <p>Administrative: (617) 727-7750</p> <p>Websites: <a href="http://www.mass.gov/elder">www.mass.gov/elder</a></p> <p><a href="http://www.800ageinfo.com">www.800ageinfo.com</a></p>	<p><b>Massachusetts Division of Banks</b> 1000 Washington Street 10th Floor Boston, MA 02118</p> <p>(617) 956-1500</p> <p><a href="http://www.mass.gov/dob">www.mass.gov/dob</a></p>
<p><b>Massachusetts Office of Consumer Affairs &amp; Business Regulation</b> 501 Boylston Street Boston, MA 02116 (617) 973-8700</p> <p>Consumer Hotline 1-888-283-3757 (617) 973-8787</p> <p><a href="http://www.mass.gov/ocabr">www.mass.gov/ocabr</a></p>	<p><b>Massachusetts District Attorneys Association</b> One Bullfinch Place, Suite 202 Boston, MA 02114</p> <p>(617) 723-0642</p> <p><a href="http://www.mass.gov/mdaa">www.mass.gov/mdaa</a></p> <p><i>Website provides a listing for the eleven (11) District Attorneys in Massachusetts.</i></p>
<p><b>Council of Better Business Bureaus</b> 290 Donald Lynch Boulevard, Suite 102 Marlborough, MA 01752</p> <p>(508) 652-4800</p> <p>To locate a Better Business Bureau for a particular area, go to <a href="http://www.bbb.org">www.bbb.org</a></p>	<p><b>Department of Children &amp; Families</b> 600 Washington Street Boston, MA 02210 (617) 748-2000</p> <p>To report child abuse or neglect, call the Child-at-Risk Hotline:</p> <p>1-800-792-5200 (24 hours per day)</p> <p><a href="http://www.mass.gov/dcf">www.mass.gov/dcf</a></p> <p>Refer to the website or call the main number for information regarding regional offices and other programs.</p>

<p><b>Disabled Persons Protection Commission</b>  300 Granite Street, Suite 404  Braintree, MA 02184</p> <p>V/TTY: (617) 727-6465  V/TTY: 1-800-245-0062</p> <p>24 hour Hotline: 1-800-426-9009</p> <p><a href="http://www.mass.gov/dppc">www.mass.gov/dppc</a></p>	<p><b>Financial Industry Regulatory Authority (FINRA)</b></p> <p>FINRA Investor Information  1735 K Street, NW  Washington, D.C. 20006-1506</p> <p>(301) 590-6500</p> <p><a href="http://www.finra.org/investor">www.finra.org/investor</a></p> <p>FINRA Investor Complaint Center  9509 Key West Avenue  Rockville, MD 20850-3329</p> <p>(240) 386-HELP (4357)</p>
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## **APPENDIX D: MASSACHUSETTS GENERAL LAWS (M.G.L.)**

### **CHAPTER 19A, SECTIONS 14 – 26**

Executive Office of Elder Affairs

Elder Protective Services Program

[malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter19a](http://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter19a)

## APPENDIX E: CONSENT TO RELEASE INFORMATION FORM

### Protective Services Agency Letterhead

#### Consent to the Release of Information

The information requested under this form will be released to a Protective Services Agency (PSA), which is empowered, along with the Executive Office of Elder Affairs, to investigate elder financial exploitation pursuant to M.G.L. c. 19A, sections 14, 15, 16 and 17. The information may also be furnished to the District Attorney. Information obtained will only be used by these agencies in accordance with their official capacities and functions.

With this understanding, I, \_\_\_\_\_

Customer Name

Soc. Sec. #

Who is currently living at: \_\_\_\_\_

Hereby give my permission for the release of information to, and exchange of information between:

\_\_\_\_\_ and \_\_\_\_\_

Agency Name

Financial Institution

Please release the following financial records to the above named agency:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This consent to the release of information will remain in effect for six (6) months following the date specified below. I can be contacted at (\_\_\_\_) \_\_\_\_ \_\_\_\_ if there are any questions concerning this release.

\_\_\_\_\_

Customer Signature

Date

\_\_\_\_\_

Witness Signature (PS Caseworker may act as Witness)

Date

## APPENDIX E: FRAUD ALERT

### Warning: Be Cautious About Cash or Check Withdrawals

In an effort to protect you from becoming a victim of fraud or exploitation, we ask you to read this form carefully. Feel free to ask our staff *any* questions you may have.

There are a number of methods commonly used to take people's money. In many cases, those who want to take advantage of you appear to be friendly. If any of the following situations seem familiar, please let our staff know immediately. If necessary, we will assist you in calling the police or other appropriate agency.

#### *Have you been approached for money (verbally, by mail or email) by someone:*

- Claiming to be involved with a law enforcement or financial regulatory agency, and is asking you to help with a criminal investigation? This ploy is known as the 'bank examiner scam.' Real investigators **never** ask people for money.
- Claiming to be a town inspector or other municipal official, and insists that you owe cash for some service? Never pay cash; always insist on a check. Confirm the identity of the individual by insisting on seeing identification. Call the agency he or she claims to represent.
- Claiming you have won a prize, the lottery or inherited a sum of money, are required to pay taxes to receive it, and are told to cash a 'cashier's check' and make an immediate withdrawal and wiring of money (or sending in another manner)? If you are asked to pay taxes or other fees for a prize, lottery or inheritance, it is a scam. When you are rushed to complete transactions, wire money, send cash or offered any deal that seems too good to be true, it usually is a scam!

#### *Are you being pressured to give someone money, or is money being taken without your consent?*

Whether it is a stranger, friend or family member, it is improper, and possibly illegal, for him or her to pressure or threaten you for money, to pressure you to add his or her name to your account, or to obtain money without your consent.

If a family member or someone you know is pressuring you for money, or taking it without consent, and you are over 60, you may be a victim of elder abuse.

If you have any doubts about whether a transaction is 'on the level,' please talk to personnel of this financial institution or call **The Elder Abuse Hotline at 1-800-922-2275**

For Office Use Only: Teller Stamp \_\_\_\_\_ Initials \_\_\_\_\_ Branch \_\_\_\_\_

**Please Read and Sign below:**

**I have read and understand this statement. I still wish to process the financial transaction that involves (check all that apply):**

**\_\_\_\_\_ lump sum withdrawal of \$ \_\_\_\_\_**  
**\_\_\_\_\_ transfer of assets**  
**\_\_\_\_\_ addition of name to account**

**Signature:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Telephone #:** \_\_\_\_\_

**Account #:** \_\_\_\_\_

**Check #:** \_\_\_\_\_

**I.D.:** \_\_\_\_\_

## APPENDIX G: INCIDENT/SUSPECTED ABUSE FORM

### INCIDENT/SUSPECTED ABUSE REPORT FORM

Employee reporting: \_\_\_\_\_

Position: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Police notified? ☐ Y ☐ N

Time: \_\_\_\_\_ am/pm

Location of Incident:

☐ ATM

☐ Parking Lot

☐ Lobby

☐ Reception area

☐ Work area

☐ Other \_\_\_\_\_

Officer's name: \_\_\_\_\_

\_\_\_\_\_

Date/Time: \_\_\_\_\_, 20\_\_\_\_, \_\_\_\_ am/pm

Description of Incident (including names of involved parties)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Injury sustained? ☐ Y ☐ N

Ambulance called? ☐ Y ☐ N

If yes, describe: \_\_\_\_\_

Time called: \_\_\_\_\_ am/pm

Time arrived: \_\_\_\_\_ am/pm

Transported to: \_\_\_\_\_

Were pictures taken? ☐ Y ☐ N

Location of Photos: \_\_\_\_\_

Type of weapon (if any): \_\_\_\_\_

Type of loss:

Cash: \$ \_\_\_\_\_

Name of witness: \_\_\_\_\_

Card: ATM Other \_\_\_\_\_

Address: \_\_\_\_\_

Acct. #: \_\_\_\_\_

\_\_\_\_\_

Check #: \_\_\_\_\_

Phone: W \_\_\_\_\_ H \_\_\_\_\_

Security Department notified? ☐

Call received by: \_\_\_\_\_

#### SECURITY DEPARTMENT USE ONLY

Film Available: ☐ Y ☐ N

Ordered: \_\_\_\_\_

Suspect Arrested: ☐ Y ☐ N

Complaint filed by: \_\_\_\_\_

Protective Services (Elder Abuse) notified by: \_\_\_\_\_

Follow up referred to: \_\_\_\_\_

Completed by: \_\_\_\_\_ Branch/Dept: \_\_\_\_\_ Date: \_\_\_\_\_



## **APPENDIX H: SAMPLE INTERNAL REPORTING POLICY**

### **I. Participation in *Preventing Elder Financial Exploitation***

XYZ Bank/Credit Union is participating in *Preventing Elder Financial Exploitation*.

### **II. Definition of Financial Exploitation**

Financial exploitation of an elder occurs when a third party, such as a family member, acquaintance, stranger, caretaker, or a person appointed to act on an elder's behalf in a fiduciary capacity, acts or fails to act in such a way that an elder suffers a substantial monetary or property loss. It also occurs when a third party receives a benefit that should have gone to an elder. Exploitation encompasses situations where an elder is coerced into giving consent or is unable to give consent due to a state of mental or physical incapacity. For the purposes of these procedures, an elder is defined as a person who is 60 years of age or older.

### **III. Notification of Financial Institution's Security Officer**

Employees of the financial institution who suspect that an elderly consumer is a victim of financial exploitation should make an oral report to the institution's Security Officer or designated point person. After oral notification, the employee should complete an internal elder abuse report form and forward it to the Security Officer. If an employee is unsure whether a reportable condition exists, they should discuss the matter with their manager.

### **IV. Filing of Reports with Protective Services or Local Police**

The institution's Security Officer should review reports of suspected exploitation made by employees and determine whether a report should be made to Protective Services or the local police. If it is determined that reasonable cause exists to believe that an elder is a victim of financial exploitation, the Security Officer should make an oral report to a designated protective services agency if the exploitation involves a person known to the elder, or to the local police if the exploitation involves a stranger. When exploitation involves a stranger and the elder's needs are not being met, or relationship is not clear, a report should be made to Protective Services.

### **V. Contents of Reports to Protective Services or Local Police**

Reports made by the Security Officer to a designated protective services agency or local police department should include a description of the elder, a description of the suspicious circumstances, including level of risk/immediacy, the financial institution's name and branch address, the name of the employee who made the initial referral, and the names of other agencies or authorities involved in the case.

### **VI. Confidential Account Information**

Reports to a designated protective services agency or the local police should not contain any confidential account information. In cases where the authorities require additional information, the elderly customer will be required to execute a consent agreement authorizing the release of account information, or a court order authorizing the release of information will be obtained.

## APPENDIX I: REVERSE MORTGAGE DANGER SIGNALS

As the popularity of reverse mortgages grows, so does the incidence of misuse. Be on the lookout for these **Danger Signals**:

- You are not getting counseling from a counseling agency approved by the Executive Office of Elder Affairs.
- Counseling is either done just before, or at, the closing, or you are not given the chance to ask questions.
- Anyone is discouraging you from talking with family, friends, or the counselor regarding the loan, the loan's terms, or what you intend to do with the money.
- You are being pressured to use equity in your home to buy something with the proceeds that you do not necessarily need or want.
- The lender is either not licensed or does not have a product approved by HUD and the MA Division of Banks.
- You are asked for any money upon applying for the loan or to pay for any fee outside of closing, or it is not listed on the HUD 1 form used by the closing attorney.
- You are told that providing any money to any party, either up front or outside of closing, will speed up the process of the reverse mortgage.
- You are offered a discount to sign by a certain date. (Please note, there are occasionally programs offered by various financial institutions. However, you should check with the lender's home office to make sure it is a valid program and find out exactly when it ends. Occasionally, you can get an extension of that offer for a short time.)
- Insurance premiums and other loan costs are not explained clearly to you or to your satisfaction.
- You have signed a contract or agreement with an estate planning service or firm that requires or purports to require that you obtain a reverse mortgage to use their services.
- Someone directs you to obtain a reverse mortgage and invest the proceeds.
- You are being pressured into making an immediate decision by anyone.

Anyone (children, grandchildren, relatives, friends, etc.) is pressuring you to get a loan so that *they* can use either all or some of the money from the loan even if they promise to pay the money back or sign a promissory note.

*Any questions about reverse mortgages should be directed to the Massachusetts Division of Banks.*

Questions about reverse mortgage counseling should be directed to the Massachusetts Executive Office of Elder Affairs.

Thank you to The Savings Bank, the Wakefield Council on Aging and Homeowner Options for Massachusetts Elders (H.O.M.E.).

## **APPENDIX J: ‘DON’T BE A VICTIM – PROTECT YOUR SAVINGS’ BROCHURE**

- [Don’t be a Victim – Protect Your Savings brochure](#)

## **APPENDIX K: ‘FINANCIAL EXPLOITATION OF SENIORS IS MORE COMMON THAN YOU THINK’ BROCHURE**

- [Financial Exploitation of Seniors is More Common than you Though brochure](#)

## **APPENDIX L: ‘WARNING SIGNS OF ELDER FINANCIAL EXPLOITATION’ PLACARD**

- [Banks – Warning Signs of Elder Financial Exploitation Placard](#)
- [Credit Unions – Warning Signs of Elder Financial Exploitation Placard](#)
- [Financial Planners – Warning Signs of Elder Financial Exploitation Placard](#)