



OFFICE OF RESEARCH AND EDUCATION ACCOUNTABILITY

## FINANCIAL EXPLOITATION OF THE ELDERLY IN TENNESSEE: EXECUTIVE SUMMARY



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## Overview

Financial exploitation of the elderly is a form of elder abuse. In basic terms, elder financial exploitation is the wrongful or unauthorized use of the assets, funds, or property of elderly individuals. In this summary, the term “elder” refers to someone who is 60 years of age or older, unless otherwise noted. Those who exploit the elderly may include family members, businesses, acquaintances, and strangers. Often, other forms of elder abuse – physical abuse, sexual abuse, psychological or emotional abuse, or neglect – occur alongside financial exploitation.

In Tennessee, the agency most closely associated with issues concerning elder abuse is the Adult Protective Services (APS) program in the Department of Human Services. In fact, several other agencies and community actors also play a role in protecting Tennessee citizens from elder abuse, including elder financial exploitation – these include law enforcement, district attorneys, financial institutions, the state’s area agencies on aging, the Tennessee Commission on Aging and Disability, and others.

Over the last several years, the Tennessee General Assembly has strengthened state laws to protect the state’s elderly population from financial exploitation, as well as from abuse and neglect. In 2019, the General Assembly created a task force focused on elder financial exploitation, three years after commissioning a report from the Tennessee Commission on Aging and Disability that reviewed the subject. Legislators explained that although the laws previously passed concerning elder financial abuse were extensive, gaps remain that need to be addressed. The 2019 task force is scheduled to submit its findings and recommendations to the Governor and the General Assembly by January 15, 2021.

The Comptroller’s Office of Research and Education Accountability (OREA) developed this report at the request of legislators. The full report summarizes research about elder financial exploitation, and considers Tennessee’s approach to identifying and investigating this type of elder abuse, as well as prosecuting and convicting perpetrators. It addresses stakeholders’ views about potential gaps that remain in the system, as well as noting areas of progress. This executive summary includes conclusions and policy options for consideration by the General Assembly and relevant stakeholders from OREA’s full report.

“If a new disease entity were discovered that afflicted nearly one in 20 adults over their older lifetimes and differentially struck our most vulnerable subpopulations, a public health crisis would likely be declared. Our data suggest that financial exploitation of older adults is such a phenomenon.”

Janey C. Peterson, et al., “Financial Exploitation of Older Adults: A Population-Based Prevalence Study,” *Journal of General Internal Medicine*, Vol. 29, No. 12, 2014.

For this report, OREA requested that Adult Protective Services (APS) in the Department of Human Services provide examples of actual cases of elder financial exploitation in Tennessee. The summaries, which can be found on page 11 in this brief and in Appendix A in the full report, illustrate the serious and complex nature of cases involving elder financial exploitation.

## Conclusions

### **Those who work with elderly and vulnerable adults have expressed concerns about the criteria under which the Adult Protective Services program in the Tennessee Department of Human Services determines whether to investigate cases of elder financial exploitation, describing it as too narrow.**

APS criteria for investigating a report of financial exploitation is based on state law, which defines financial exploitation as “the improper use by a caretaker of funds that have been paid by a governmental agency to an adult or to the caretaker for the use or care of the adult.” The law governing Tennessee’s provision of adult protective services has contained this definition since it was first passed by the General Assembly in 1978. According to Adult Protective Services (APS), it receives a large number of reports of suspected financial exploitation that do not meet this criteria, and it refers these to law enforcement and the state’s district attorneys general.

In state fiscal year 2019, out of 3,824 reports of suspected elder financial exploitation, APS screened out 756 reports that did not involve government funds and 1,565 reports that did not involve a caregiver or because the alleged victim did not qualify as vulnerable.<sup>1</sup> In the previous year, of 3,288 reports of elder financial exploitation, the agency screened out 172 reports that did not involve government funds and 1,423 reports that did not meet the caregiver or vulnerability criteria.

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Several stakeholders, including legislators, have expressed concern about statutory provisions that limit APS’s ability to investigate reports of financial exploitation. In a 2016 report to the General Assembly, the Tennessee Commission on Aging and Disability discussed the narrow definition of elder financial exploitation in the law that limits APS authority, and the Executive Director of TCAD described it more recently as a gap that remains in Tennessee’s system for addressing the issue. Some district attorneys told OREA that they believe the mandate given to APS should be expanded to include non-governmental funds.

In 2017, as required by the General Assembly, DHS analyzed the impact of expanding the definition of financial exploitation to include non-governmental funds and reported its findings to the General Assembly. In the report, APS acknowledged that it was open to the idea of expanding the definition of financial exploitation to include non-governmental funds by a caretaker. Expanding the criteria under which APS operates would increase the number of investigations the agency must conduct. DHS estimated that 25 new positions (to include investigators, auditors, and attorneys) would be needed for the increased number of investigations. The report further clarified that, under the scenario envisioned by DHS, non-governmental

<sup>1</sup> Under the statute defining the work of APS, “adult” is defined as a person 18 years or older who because of mental or physical dysfunctioning or advanced age is unable to manage their own resources, or protect themselves from neglect, hazardous, or abusive situations without assistance from others and who has no available, willing, and responsibly able person for assistance. (“Advanced age” is defined as 60 years of age or older.) The alleged victim must have an impaired functional status that prevents them from protecting themselves and must have no other person willing to assist them. An “impaired functional status” could include, for example, a mental health condition or a physical health condition that inhibits independent function, or frailty due to advanced age.

funds would include funds only and would not include investigations involving theft of property, such as houses, cars, and clothing. Such reports would continue to be screened out and referred to law enforcement, district attorneys, and appropriate licensing agencies, if applicable. DHS estimated the total additional expenditures for the staffing increase at just under \$2 million annually. (A 2020 estimate from DHS placed the total cost at \$2.2 million.) The report indicated that if revisions were made to the caretaker definition in the law, additional expenditures would be required. To date, no legislative action has been taken to expand the capacity of APS.

**OREA was unable to estimate the prevalence and cost of elder financial abuse in Tennessee due to current data limitations.**

There is no statewide system to track elder financial abuse cases in Tennessee. Without a statewide system, it is not possible to track cases when they are shared between state and local agencies. When asked to provide data about financial exploitation in Tennessee, several local and state agencies provided OREA with numbers about their caseloads. OREA also accessed publicly available information, such as annual VAPIT reports, about elder financial exploitation. Many of the cases reviewed by OREA were shared between agencies, however, so the number of unique cases could not be identified. For example, a single case may be under investigation by three organizations (e.g., APS, TBI, and a district attorney’s office). Since it is not currently possible to connect a case across multiple organizations, this single case might be counted as three separate cases rather than one.

**Exhibit 1: Data available to OREA from state and local agencies**

	Reports	Investigations	Outcomes of investigations	Financial losses
APS	Yes	Yes	Yes	No
TBI Medicaid Fraud Control Division	Yes	No	No	No
Long-Term Care Ombudsman	Yes	Yes	No	No
Department of Commerce and Insurance	Yes	Yes	Yes	Yes
Financial Institutions (tracked by FinCEN*)	Yes	N/A	N/A^	No
	Investigations	Prosecutions	Outcomes of prosecutions	Financial losses
Local District Attorneys	No	13 of 31 judicial districts	10 of 31 judicial districts	2 of 31 judicial districts~
Administrative Office of the Courts	No	Only some offenses*	Only some offenses	No

Note: \* Financial institutions report SARs to FinCEN, which is a federal agency. \* The Administrative Office of the Courts can track prosecutions and prosecution outcomes by TCA code. This allows tracking of all cases under the Elderly and Vulnerable Adult Protection Act. Victims’ ages are not tracked, though, so the data cannot differentiate between cases in which the victim is a younger vulnerable adult, and those in which the victim is an elderly person. In addition, prosecutors can choose not to charge exploiters under the Elderly and Vulnerable Adult Protection Act, and instead charge them with theft or a related offense. These cases have the same data limitations about age, and theft cases involving an elderly victim cannot be identified. ~ While 13 judicial districts provided some information about victims’ losses only two were able to provide it for all cases they prosecuted.



For state and local agencies who provided OREA with caseload data, only one was able to consistently estimate the financial loss to victims: the Tennessee Department of Commerce and Insurance. APS, TBI, and district attorneys all provided OREA with example cases that sometimes provided the amount of financial losses to victims of elder financial abuse, but determining the cost of all cases would require investigators from those agencies to comb through case notes and estimate the losses to victims or the state.

Other states have not linked data from multiple sources when developing their estimates of statewide prevalence and cost and have included only cases that have been substantiated by their Adult Protective Services offices. Estimating statewide prevalence and cost in Tennessee based only on cases that have been substantiated by APS would be problematic, however, because of the limited scope of APS investigations in the state. APS criteria for investigating reports of financial exploitation in Tennessee is limited to the misuse of government funds by a caretaker. An estimate of prevalence and cost using only cases substantiated by APS would not include cases that involved personal funds or those perpetrated by individuals who are not a caretaker, which would lead to an underestimate of both prevalence and costs.

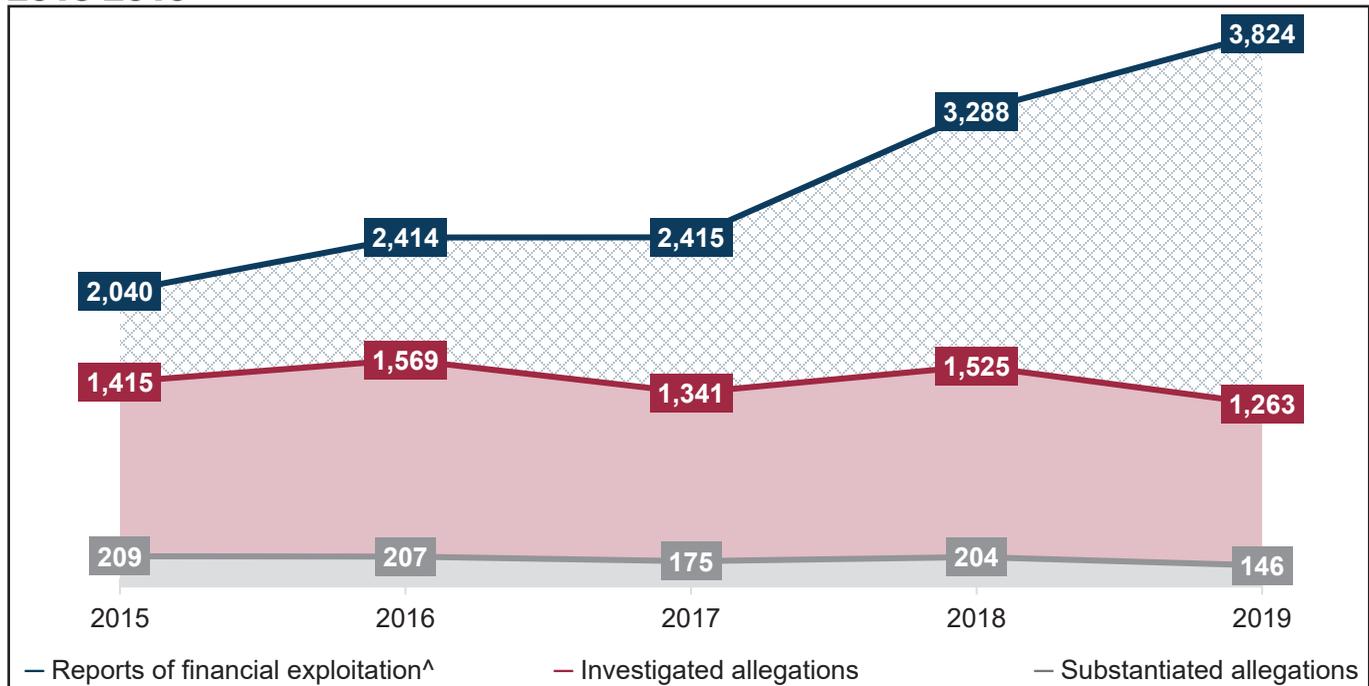
**Tennessee’s approach to protect elderly adults from financial exploitation is made up of a patchwork of state and local entities. Their effectiveness in tackling this growing issue, however, is unknown due to data limitations, as described above.**

Sizeable increases in elder financial exploitation reports to APS over the last few years suggest that elder abuse is increasing in Tennessee or that reporters have become more aware or both. At the same time, the number of investigations by APS has not increased, suggesting that other entities (e.g., local police, TBI, district attorneys) are increasingly responsible for combatting elder financial abuse.

The number of reports to APS for all abuse categories increased significantly from 2015 to 2019 (by 52 percent), reports of financial exploitation increased by 87 percent over the same period, but total assigned investigations (i.e., reports that APS determines, based on its criteria, should be investigated by APS) have remained relatively stable since 2015.

This is likely because APS criteria for financial exploitation, defined by state law, effectively limits the number of assigned investigations, keeping them to an amount that current resources (i.e., staffing levels) are able to address. Financial institutions, including banks and credit unions, in particular have increased their reporting of suspected financial exploitation to APS: between 2015 and 2019, the number of reports from financial institutions rose from 191 to 1,160. Many of those reports, however, are screened out by APS because they do not meet APS criteria (i.e., involve a caregivers’ misuse of governmental funds), whether due to a lack of information provided by the reporter, or due to the nature of the alleged incident.

**Exhibit 2: Number of reports concerning elder financial exploitation made to APS, and numbers of allegations investigated and substantiated by APS | 2015-2019**



Note: <sup>^</sup>Each report received by APS contains at least one allegation of elder abuse but may contain multiple allegations. Currently, APS data does not track the total number of allegations received, only the number of reports. It does track the number of allegations investigated and substantiated.

After APS screens out reports that do not meet its criteria for investigation, the agency forwards them to other entities as appropriate, including other state agencies, which may investigate and take further action. Between 2015 and 2019, the number of reports forwarded to other entities increased, especially the number forwarded to district attorneys, local police, and local sheriffs. For example, district attorneys received 50 times more reports from APS in 2019 than they did in 2015, while the number sent to local police nearly doubled. As explained above, it is not possible to track cases when they are shared between state and local agencies, making it difficult to assess whether the current system to protect elderly adults is able to handle this growing problem.

“There is simply no system in place that enables us to consistently and reliably gather important [court] data on almost any subject, including elder abuse.”

Jerry Estes, Former Executive Director of the Tennessee District Attorney General’s Conference

**District attorneys report that prosecutions are slowly increasing under laws created by the General Assembly in recent years, but they also point to the need for a data system that would allow tracking of cases across the state.**

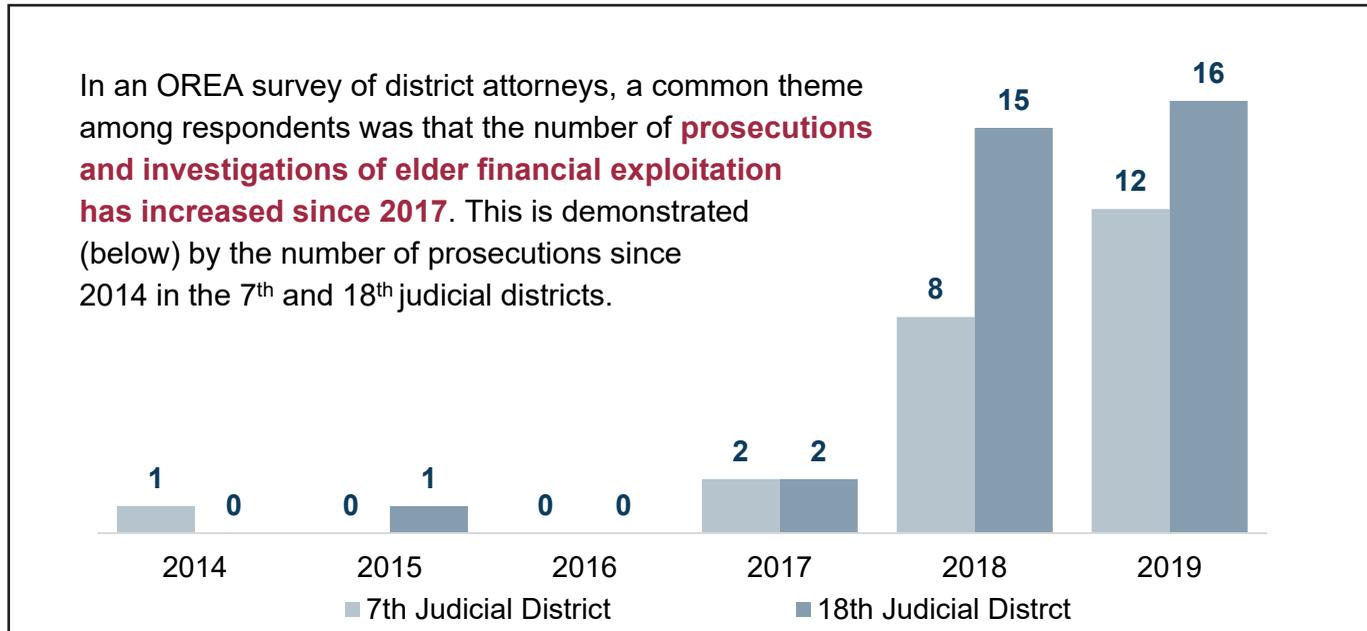
OREA requested the number of prosecutions and convictions from each of the 31 judicial districts for cases involving elder financial exploitation over five years (2015 through 2019). A total of 19 judicial districts

responded, but few were able to provide complete answers regarding the number of elder financial abuse prosecutions.<sup>2</sup>

The ability for judicial districts to track case data is inconsistent across the state, and there is no statewide system for districts to input case data that would allow trend analysis of elder financial exploitation cases or other types of elder abuse cases. Anecdotally and according to case data in some districts that were able to report, the number of prosecutions of elder financial exploitation appears to be slowly increasing as districts become more familiar with the new laws. One district attorney general estimated that it would probably take about five years from when the new laws became effective to determine their full effect on the number of prosecutions and convictions.

Data is not maintained by judicial districts in a systematic way to allow easy access to the number of prosecutions and convictions for cases of elder financial exploitation. The state's 31 judicial districts do not have access to a data system that would allow uniform and continuous input of data for cases of all types, including elder financial exploitation. Districts have each formed their own separate systems for keeping up with cases. In a 2019 OREA survey of judicial districts, several cited a need for a statewide database that would allow judicial districts to track cases and outcomes.

### Exhibit 3: Number of elder financial exploitation cases prosecuted by the 7th Judicial District and the General Sessions Court of the 18th Judicial District



Note: The 7th and 18th Judicial Districts are shown here because they provided OREA year-by-year data for all five years. Their trends are used in this exhibit as examples to show a theme that emerged in district attorneys' responses to OREA: the number of prosecutions has been increasing since the creation of VAPITs and the passage of the Elderly and Vulnerable Adult Protection Act in 2017.

Source: Responses from 2 of the 31 judicial districts to questions posed by OREA.

<sup>2</sup>Although the Administrative Office of the Courts (AOC) acts as a central repository for data on prosecutions, it does not collect prosecutions by victims' ages. This makes it impossible to determine which prosecutions of financial crimes involve elderly victims. Currently, individual judicial districts must, therefore, choose whether to track elder financial abuse.

Although APS is able to track the cases it investigates under its criteria from beginning to resolution, for cases that are forwarded from APS to other agencies, there is no such means of tracking across agencies. Because there is no systematic way to track an incident from the time it is reported to APS to its resolution by other agencies, such as law enforcement, it is difficult to determine how well the system works to identify, investigate, and prosecute all incidents of elder financial exploitation.

The Tennessee District Attorneys General Conference told OREA that it worked with APS during 2017 and 2018 to create a database exclusively for elder abuse cases. The effort to develop a database involved conference leadership, district attorneys, assistant district attorneys, APS leadership, and IT representatives from the conference and APS. During 2017 and 2018, several meetings were held to design the set-up for the database and identify which fields were needed; to determine the best database infrastructure for the project; to determine how information could be safely and efficiently shared between judicial districts; and to identify common questions the data would be used to answer and how the program could be used to generate appropriate reports. The database was almost completed, but ultimately was not implemented due to funding issues. The estimated cost of the database was \$63,000, according to APS, with an annual estimated cost of \$14,000 for technology staff support and resources.

### **District attorneys indicate a need for access to additional investigators and staff with accounting expertise, and more training for prosecutors and law enforcement officers.**

District attorneys say that financial exploitation cases are particularly complex, challenging, and resource intensive. Many cited a lack of access to staff with expertise in tracking assets and forensic accounting, which can hinder investigations of financial wrongdoing. Some districts lack a sufficient number of criminal investigators on staff (or believe more will be needed as case numbers increase) and some must rely heavily or fully on local law enforcement for all investigations. Some said that law enforcement officers often lack the proper training to conduct thorough investigations in complex elder financial exploitation cases.

**“Manpower is the biggest lacking resource,** particularly with financial exploitation cases, which can be tedious and time consuming. Some also require **specialized skill and training,** and most law enforcement officers are not trained accountants.”

-Response from one of the judicial districts who responded to questions from OREA

In 2016, the Elder Abuse Committee of the Tennessee District Attorneys General Conference held a three-day training that brought together district attorneys general, assistant district attorneys general, criminal investigators, victim witness coordinators, law enforcement, APS investigators, and Tennessee Commission on Aging and Disability staff to share best practices from across the state. The training consisted of panel discussions and case studies from various state agencies. In the information submitted to OREA from 19 of the state’s 31 judicial districts, district attorneys indicated the need for additional training for law enforcement, district attorneys, and others concerning the investigation and prosecution of elder financial exploitation and all types of elder abuse cases. One district attorney noted that training district attorneys and law enforcement together is especially beneficial.

## Policy options for consideration

### Policy options for the General Assembly to consider

1. The General Assembly may wish to expand the criteria under which Adult Protective Services conducts elder financial exploitation investigations by authorizing APS to investigate cases involving non-governmental funds and all types of alleged perpetrators.
2. The General Assembly may wish to create additional staff positions at Adult Protective Services to increase its intake capacity, even if the criteria under which it conducts elder financial exploitation investigations is not expanded.
3. The General Assembly may wish to urge the federal government to allow state Medicaid Fraud Control Units to investigate Medicaid fraud that occurs outside of institutional settings, including private homes.
4. The General Assembly may wish to revise the state's law concerning the confidentiality of those who report incidents of adult abuse to more closely resemble the law concerning reporters of child abuse incidents.
5. The General Assembly may wish to fund additional staff positions in the offices of district attorneys general to increase their capacity to investigate and prosecute elder financial exploitation cases.
6. The General Assembly may wish to fund and mandate improvements to data collection of elder abuse cases in the state. A number of improvements could be made, from a statewide system for all stakeholders to improvements for individual agencies. The data improvement options are listed below:
  - Create a statewide system in which each case that has been referred out of or into APS can be tracked across agencies.
  - If a statewide system is not created, data tracking could be improved in the following ways: (1) District attorneys could be required to report the age of victims for each prosecution to the Administrative Office of the Courts (AOC), which could be required to maintain this data; (2) Judicial districts could be required to provide more detailed information in the annual reports about VAPITs.



## **Policy options for Adult Protective Services to consider**

7. Adult Protective Services may wish to publish an annual report that summarizes its work for the previous state fiscal year.
8. Adult Protective Services, in collaboration with others, could create a guidebook for financial institutions to follow in making elder financial exploitation reports to APS.

## **Policy options for the Elder Abuse Task Force to consider**

9. Organizations represented on the Elder Abuse Task Force could use the geographical analysis presented in this report to focus training and awareness raising efforts in counties with lower reporting or prosecution rates.

## Case summaries compiled by Adult Protective Services, Department of Human Services, January 2020

*OREA requested that Adult Protective Services (APS) provide examples of actual cases that involve elder financial exploitation. APS categorized the cases according to outcomes. The summaries below illustrate the complexity of cases involving financial exploitation and the need for APS to coordinate with other agencies as well. (Note that APS refers to victims as clients in these summaries.)*

*APS receives many reports regarding cases of financial exploitation, whether reported initially or determined during an investigation. Per statute, APS can investigate only situations of financial exploitation that involve the misuse of government funds by a caregiver, which can include Social Security, Supplemental Security Income, veterans' pension, teachers' pension, Supplemental Nutrition Assistance Program (SNAP), or Temporary Assistance for Needy Families (TANF) benefits. In state fiscal year 2019, financial exploitation was alleged in 23.21 percent of all reports to APS of abuse, neglect, or exploitation (A/N/E) of vulnerable adults age 60 and over.*

### **Financial exploitation substantiated, but victim refuses to press charges: APS notifies law enforcement and the district attorney general's office for all cases. Additional services are indicated.**

- A son lives with his elderly mother/client and is emotionally, physically, and financially exploiting her. His mother refuses to press charges because her grandchildren live with them, who she cares for, and she is afraid she will not be able to have contact with them if she presses charges. Services involved/provided: APS referred the case to the Collaborative Response to Elder and Vulnerable Adult Abuse (CREVAA) and Homemaker Services to monitor the situation.
- A male client has a much younger girlfriend who is also a caregiver. She uses his ATM card without permission for her own personal benefit by buying herself a car, paying tuition for her kids, etc. The client does not want to press charges because he relies on her for caregiving and companionship, and doesn't want this to stop. Services involved/provided: APS referred the case to CREVAA and Homemaker Services to monitor the situation.
- A daughter takes her mother/client to several different doctors to get prescriptions that the daughter then sells. The mother does not want to press charges because she doesn't want her daughter to get into trouble. Services involved/provided: APS notified insurance to flag her case.
- A father/client has substantial income from the Veterans Administration, Social Security, and his pension. The client had Homemaker Services in the home and stated he needed more food (all he was eating was canned food) and wanted cable but that he couldn't afford it. The client admitted that his daughter was taking his money but that he was okay with it. He removed her access to his account. Services involved/provided: APS referred this to CREVAA and requested that the Veteran's Administration (VA) and Social Security appoint a representative payee.

- An older mother/client stated that her daughter has been stealing from her for over 15 years and even stole her identity to receive the client's IRS refund checks. She said her daughter steals her mail and had attempted to become her power of attorney. The client's son got involved to help out and check on her daily. The client did not want her daughter to get in trouble because her situation improved. Services involved/provided: APS found that family involvement improved the situation.

## **Perpetrator arrested and/or convicted**

- An elderly woman/client has a boyfriend who is 60 years younger than she is and they live with each other. They both state they are in love with each other and the boyfriend is her caregiver. The boyfriend strangled the client in a domestic violence situation and he was arrested. During the investigation, it was determined that she had quick-deeded her house to him and that he was misusing her money for his own benefit. He was convicted and is serving time in jail. Services involved/provided: APS notes that if CREVAA had existed when this case arose, it could have helped with emergency housing and caregiver services.
- An older woman/client lived with her son who was her primary caregiver. He came home drunk, and hit and bit her. Law enforcement arrested him and referred the case to APS. When APS investigated, the client's sister was contacted who came to help her. The client's sister found out the son was taking her pension and Social Security, and had bought himself a truck and spent money on his girlfriend. Because he misused her funds, her house was foreclosed on. The client's sister helped get her into a nursing home, which became her representative payee. Services involved/provided: APS notes that if CREVAA had existed at the time, it could have provided assistance. The hospital and nursing home were pivotal in getting the client protection.
- Several older individuals/clients were living in a care home that was misusing their money. The facility was shut down and two staff members were arrested. Services involved/provided: The licensing agency helped with getting the clients placed in other facilities.
- An elderly male/client had two checks stolen by his caretaker for \$850. The caretaker was arrested. Services involved/provided: APS referred the case to CREVAA to help with the money that was stolen to make sure the client had groceries, bills paid, etc.

## **Financial exploitation verified by APS and referral made to law enforcement, but no arrest/prosecution**

- A man approaches recent widows who don't have much knowledge about their finances since their husbands had taken care of that. The man falsely says he is an attorney, and becomes their power of attorney. In two situations, in two different counties, he sells each widow's house, places them in assisted living facilities, and does not pay the bill. These situations are referred to APS because the nursing home is going to evict the older women. One woman found someone to be a conservator/public guardian and is able to pay for the facility. Law enforcement and TBI have been contacted about both situations but have difficulty responding because the perpetrator continually crosses county lines. Services involved/

provided: APS is in the process of filing for conservatorship for the client and is working with TBI, law enforcement, and the DA to have the alleged perpetrator arrested.

- An elderly woman with cognitive issues is referred for self-neglect. She was placed in a nursing home and APS sought custody for conservator to make medical and financial decisions. In the process of going to court, the temporary conservator discovered that someone – possibly a family member – took her Social Security debit card and spent over \$3,000, leaving a bill at the nursing home. Because it is not known who took the money, there was no arrest made or charges filed. Services involved/provided: APS is in the process of filing for conservatorship for the client. Also referred to CREVAA to help with money so the victim will not be evicted.
- A man works with a hospital for “referrals” of clients who are homeless, are being discharged, and need a place to live. This man has several people living in his house who require medical care, and who are in substandard living conditions. They pay this man “rent,” but he is not licensed and moves clients from place to place when authorities are notified. Law enforcement is very familiar with this individual and is unsure how to respond. Services involved/provided: VAPIT reviewed this case. The Department of Mental Health and Substance Abuse Services (DMHSAS) was involved and placed the individuals in another home.
- An older male/client is financially abused by a family friend to whom he gave his ATM card. The friend misused \$6,000 and because of that, the client has no money for food or medications. Law enforcement will not charge the person because the older male was fully aware of the transactions. Services involved/provided: CREVAA referral to assist with medications and food.

## **Financial exploitation could not be verified by APS**

- An allegation of financial exploitation was made by an elderly mother/client diagnosed with dementia who lives alone. Her daughter visits every day to make sure her mother’s house is clean and she has food. The client appeared very well cared for but her dementia symptoms had increased and she had become more paranoid. The client was focused on money, her bank accounts, and bank statements and was convinced that her daughter, with whom she previously had a good relationship, was taking her money. The client would hide money and forget where she had put it. The daughter denied taking her mother’s money and had receipts for everything she paid for. This dynamic prevented the daughter from providing the same level of care because she was being accused by her mother. Her mother said mean things to the daughter and was angry with her. There were other family members who were able to assist the client. Services involved/provided: The elderly mother was referred to her doctor and the daughter was referred to a dementia support group.
- An elderly male/client’s son and daughter went to probate court and obtained conservatorship of him and his finances because he was spending his money recklessly. The client was placed in an assisted living facility but was not happy there. The client told a family member that his children took all his money and weren’t providing the care that he wanted. The client believed his kids were taking all his money for their benefit, which did not turn out to be true. Services involved/provided: The son and daughter were referred to a support group.

## **Guardian appointed or in process – conservator/new payee**

- An elderly woman/client was financially abused by an employee of the housing complex where she lived. The employee was terminated, and the client received a conservator to reduce the risk of future financial exploitation. Services involved/provided: APS sought and applied for the public guardianship program through the court.
- An elderly mother and developmentally delayed son, both clients, were living in a home with no heat, water, or food. The daughter/sister also lived with them and would use their money for drugs. APS was able to place the mother into a nursing home, which became her representative payee, and have the son moved into a supported living environment, which became his representative payee. Services involved/provided: Placement into a nursing home for the mother and into Employment and Community First (ECF) CHOICES for the son to get him into supported living placement through the Department of Intellectual and Developmental Disabilities (DIDD).
- An elderly male/client reported that his son was mishandling his money and because of this, his house was being foreclosed on and he did not have money for food. He also stated the son was renting out rooms in the client's house and not giving the client any of the money. A conservator was appointed to help the client with his finances. Services involved/provided: APS sought and applied for the public guardianship program through the court and also referred the case to CREVAA.
- An elderly female/client was being exploited by a family member who was the client's representative payee. The family member constantly withdrew the client's money. The client did not have a bed and was low on food. The client changed her representative payee to assist her. Services involved/provided: APS worked with Social Security to get the payee changed and referred the case to CREVAA for services.

## **Restitution/reimbursement made or in process**

- A paid caregiver wrote checks from an account that Social Security was deposited into and stole \$400 from an elderly client. When the paid caregiver got caught, he left the state. The agency that employed him paid the client back the \$400. Services involved/provided: APS contacted Social Security and the agency assisted to pay the client back. APS attorneys became involved to place perpetrator on the Abuse Registry.
- A male caregiver was given a debit card for a client with a traumatic brain injury to purchase groceries; however, the caregiver withdrew money from the ATM, which he was not authorized to do. APS and the police were contacted and had video evidence. The agency that employed the caregiver reimbursed the client. The paid caregiver was also placed on the abuse registry. Services involved/provided: The agency assisted to pay the client back. APS attorneys became involved to place perpetrator on the Abuse Registry.
- A developmentally delayed male/client was residing in a supported living home. A caregiver was given checks to buy things for the client but spent the money on herself. She was fired, arrested, and placed on the Abuse Registry. The agency reimbursed the client for the money that she stole. As part of the plea bargain, the caregiver was placed on the Abuse Registry and was required to repay the agency. Services

involved/provided: The agency assisted to pay the client back. APS attorneys became involved to place perpetrator on the Abuse Registry.

## **Abuse Registry**

- A paid caregiver provided homemaker services, including grocery shopping, to an older woman/client. The caregiver had permission to use the client's debit card for groceries but withdrew an extra \$50 in cash each time without the client's knowledge or permission. The client's account included funds from Social Security. The caregiver admitted to the police and APS that she had done this and expressed regret. At the due process committee meeting, the paid caregiver was placed on the Abuse Registry. Services involved/provided: APS contacted the bank and APS attorneys were involved to place perpetrator on the Abuse Registry.
- An elderly female/client was living at home with paid in-home supports, including a paid personal aide. The aide used the client's debit card for more than just the client's groceries. The paid caregiver also bought items from Amazon and other online stores for her own benefit. This was discovered when the client's account became overdrawn. The police were contacted, the paid caregiver was fired, and the bank reimbursed the client for the misused monies the paid caregiver spent. APS also placed the paid caregiver on the abuse registry.
- A bookkeeper at a Department of Intellectual and Developmental Disabilities (DIDD) contracted agency diverted over \$50,000 of government funds to herself instead of paying rent for multiple residents, some of whom were elderly. DIDD, APS, and TBI investigated. TBI is building a criminal case to charge the bookkeeper, who fled the state. APS was able to get a process server to track her down to serve her with intent to place her on the abuse registry. She did not appeal and has since been placed on the abuse registry.
- A local bank performed a review of an elderly man's banking account and noticed irregular signatures on some checks. APS investigated and found that his paid caregiver had stolen and forged checks out of his account where his Social Security benefits were being deposited. The paid caregiver was terminated, and APS placed her on the abuse registry.



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