

Fall August 2012

Protecting the Gold in the Golden Years: Practical Guidance For Professionals On Financial Exploitation

Julie A. Lemke

Valparaiso University School of Law

Seymour Moskowitz

Valparaiso University School of Law

Follow this and additional works at: <https://scholarship.law.marquette.edu/elders>



Part of the [Elder Law Commons](#)

Repository Citation

Lemke, Julie A. and Moskowitz, Seymour (2012) "Protecting the Gold in the Golden Years: Practical Guidance For Professionals On Financial Exploitation," *Marquette Elder's Advisor*. Vol. 7: Iss. 1, Article 2. Available at: <https://scholarship.law.marquette.edu/elders/vol7/iss1/2>

This Article is brought to you for free and open access by the Journals at Marquette Law Scholarly Commons. It has been accepted for inclusion in Marquette Elder's Advisor by an authorized editor of Marquette Law Scholarly Commons. For more information, please contact elana.olson@marquette.edu.

PROTECTING THE GOLD IN THE GOLDEN YEARS: PRACTICAL GUIDANCE FOR PROFESSIONALS ON FINANCIAL EXPLOITATION

Julie A. Lemke* and Seymour Moskowitz**

INTRODUCTION

Financial exploitation of the elderly is a prevalent but often preventable problem across the nation, causing devastating losses to some of the most vulnerable in society. Tens of thousands of reports of financial exploitation are received each year.¹ These cases include outright theft, misuse of a power of attorney, forgery, gaining control of assets through undue influence, home repair scams, and telephone fraud. In countless other cases, the exploitation is never reported, investigated, or prosecuted. To address this serious issue, the cooperation of many professionals in both the public and private spheres is necessary.

This article advocates a multi-disciplinary approach to the problem and discusses the different roles various professionals can play in preventing, recognizing, and addressing financial

* Julie A. Lemke graduated cum laude from Valparaiso University School of Law in 2004, received her B.A. from Brigham Young University, and is licensed in Colorado.

** Seymour Moskowitz is a Professor of Law at Valparaiso University School of Law. He received his B.A. from Columbia University and his J.D. in 1966 from Harvard Law School.

1. PAMELA B. TEASTER, NAT'L CTR. ON ELDER ABUSE, A RESPONSE TO THE ABUSE OF VULNERABLE ADULTS: THE 2000 SURVEY OF STATE ADULT PROTECTIVE SERVICES 21 (2000), <http://www.elderabusecenter.org/pdf/research/apsreport030703.pdf>. (In 2000, states reported a total of 38,714 allegations of financial exploitation.) In 2001, twenty-eight states out of thirty-six states surveyed reported 38,015 reports of financial exploitation. NAT'L ASS'N OF ADULT PROTECTIVE SERVS. ADM'RS, SURVEY REPORT: STATE ADULT PROTECTIVE SERVICES PROGRAM RESPONSES TO FINANCIAL EXPLOITATION OF VULNERABLE ADULTS (2003), http://www.elderabusecenter.org/pdf/publication/NAAPSA_9.pdf.

abuse of the elderly. An overview of the problem of financial abuse is provided first. The article then discusses the role of attorneys in protecting their clients from exploitation and the ethical considerations raised when representing a potential elder abuse victim. The warning signs that may be observed by attorneys are listed, and practical steps to prevent exploitation and remedy suspected exploitation are detailed. The article also explains specific ways financial institutions can protect their customers and be alert to suspicious banking transactions. The roles of attorneys and bankers are emphasized because legal documents and financial transactions are some of the most common tools used by exploiters. The article briefly explores the role of clergy and discusses how the culture of confidentiality in the legal, financial, and religious fields often conflicts with reporting information. Issues of confidentiality are addressed in each of these sections. Finally, the article discusses the role of adult protective services (APS), lawmakers and police officers, and it promotes the broad inclusion of many different professionals on multidisciplinary teams. Cooperation between professional groups and government agencies is essential to effectively addressing the problem of financial exploitation.

OVERVIEW OF FINANCIAL EXPLOITATION

Physical, psychological, and sexual abuses, as well as neglect, claim both the young and the old as their tragic victims. Financial exploitation, on the other hand, is unique to elder abuse and has virtually no corollary in the child abuse realm. Unfortunately, the occurrence of financial exploitation in the United States is not uncommon and studies show that it is a pervasive problem. In several states, financial exploitation is reported to be the most common type of elder abuse.² Nationally, financial abuse accounts for between thirteen percent³ and thirty percent⁴ of all investigated reports to adult

2. Thomas L. Hafemeister, *Financial Abuse of the Elderly in Domestic Settings*, in *ELDER MISTREATMENT: ABUSE, NEGLECT, AND EXPLOITATION IN AN AGING AMERICA*, 382, 390 (Richard J. Bonnie & Robert B. Wallace eds., 2003). (This is true in Illinois and Oregon when excluding cases of self-neglect. Similarly, New York, California, and Massachusetts report high rates of financial exploitation.).

3. TEASTER, *supra* note 1, at 21.

4. NAT'L CTR. ON ELDER ABUSE, AM. PUB. HUMAN SERVS. ASS'N, *THE NATIONAL*

protective services. These reported cases, however, make up a small percentage of the estimated incidence of abuse.⁵ Most cases of financial exploitation go unreported and unaddressed. Financial exploitation often causes losses to victims who have fixed incomes and short remaining life expectancies, making it difficult for many to recover.⁶ The effects of financial exploitation are serious and include more than just a financial setback. It has been noted that:

Losing the fruits of a lifetime's labor through financial exploitation can be devastating. It may compromise victims' independence and security, destroy legacies and lead to depression, homelessness or even suicide. . . . [T]he impact [of financial crimes] is particularly great on the elderly, who are unable to replace lost assets through work, saving or investment.⁷

Financial exploitation is the misuse of an elder's money or property, but statutory definitions vary among the states. For example, New York defines financial exploitation as the "improper use of an adult's funds, property, or resources by another individual, including but not limited to, fraud, false pretenses, embezzlement, conspiracy, forgery, falsifying records, coerced property transfers, or denial of access to assets."⁸ This definition includes scams and frauds committed by strangers as well as exploitation committed by someone known to the older victim. In incidents of abuse where the perpetrator is known, including cases of financial exploitation, it is typically a caretaker, who is most often a family member.⁹ Perpetrators are often dependent upon the victim financially and may resent their dependence or feel entitled to the elder's property.¹⁰

ELDER ABUSE INCIDENCE STUDY 4-7 (1998), http://www.aoa.gov/eldfam/Elder_Rights/Elder_Abuse/ABuseReport_Full.pdf [hereinafter INCIDENCE STUDY].

5. Hafemeister, *supra* note 2, at 383.

6. See Seymour Moskowitz, *Saving Granny from the Wolf: Elder Abuse and Neglect—The Legal Framework*, 31 CONN. L. REV. 77, 101 (1998).

7. *Financial Abuse and Exploitation: Hearing on S. 333 and H.R. 2490 Before the Subcomm. On Aging*, 108th Cong. (2003), available at http://help.senate.gov/testimony/103_tes.html [hereinafter *Hearing*] (statement of Robert Blancato, President, Nat'l Comm. for the Prevention of Elder Abuse) (quoting a 1999 report for the National Center on Elder Abuse).

8. N.Y. SOC. SERV. LAW § 473.6(g) (Consol. 2005).

9. INCIDENCE STUDY, *supra* note 4, at 5-6.

10. Seymour Moskowitz & Michael J. DeBoer, *When Silence Resounds: Clergy and*

Financial exploitation is often difficult to detect, particularly when family members are suspected. It is not always clear if the use of assets is a "misuse" benefiting only the perpetrator or a proper and authorized use, such as a genuine gift. The victims themselves may not even be aware that the exploitation is occurring.¹¹ Scam artists are experts at being believable. Family members and others with access to the elder's assets are usually trusted by the elder and may not be subject to oversight in their management of funds. These and many other complicating factors cause financial abuse to be overlooked often without intensive investigation. A robber who steals money or property is clearly a criminal, and victims and third persons may clearly see that there was no rightful claim to the property taken. The facts of financial exploitation are generally far more subtle.

Adult Protective Services is the state agency charged with investigating allegations of abuse, neglect, and exploitation of elderly or vulnerable adults. When APS receives a report of financial abuse, APS visits the alleged victim and conducts an investigation if there is sufficient cause to suspect that abuse or the misappropriation of funds has occurred. APS offers a variety of services and types of intervention, depending upon the individual circumstances of each case. APS may prosecute offenders, seek guardianship when necessary, educate the public about elder abuse, and facilitate services to the elderly.

Investigation by law enforcement or APS can reveal compelling evidence that the use was improper. Financial exploitation often generates a paper trail of documentary evidence such as cancelled checks with forged signatures, account records listing withdrawals, bank surveillance photographs at ATMs, and so forth.¹² The problem is that many cases are never investigated because they are either undetected or unreported.

Because financial exploitation is an insidious and sometimes complex issue, it is imperative that multidisciplinary solutions be implemented. Different actors have important roles to play to prevent and address financial abuse. The Congressional

the Requirement to Report Elder Abuse and Neglect, 49 DEPAUL L. REV. 1, 30 (1999).

11. Carolyn L. Dessin, *Financial Abuse of the Elderly*, 36 IDAHO L. REV. 203, 212 (2000).

12. Timothy H. Barron, *Financial Exploitation of the Elderly—A Delaware Perspective*, 32 PROSECUTOR 34, 36 (Dec. 1998).

Subcommittee on Aging stated:

Since elder abuse is a public health, law enforcement, and social service crisis, our search for solutions that stress prevention must involve these sectors and the other disciplines involved including research, the financial community and the advocacy community. Solutions must also be driven by government programs and policies which support prevention systems.¹³

The cooperation of many professions, both governmental and private, is necessary to effectively assist individuals who are vulnerable to this type of elder abuse.

THE ROLE OF ATTORNEYS

ETHICAL IMPLICATIONS OF REPRESENTING ELDERLY CLIENTS

Attorneys can help safeguard their clients from financial exploitation and recover misappropriated assets. Knowing and applying ethical principles when representing elderly clients protects the attorney, the client, and the client's assets. These principles are often referred to as the "Four C's" of elder law ethics and include issues of client identification, conflicts of interest, confidentiality, and competency.¹⁴ Each of these will be briefly discussed below.

CLIENT IDENTIFICATION

Attorneys should be certain who their client is and should clearly communicate this to all concerned parties. Family members commonly accompany older clients on visits to attorneys. These family members are often affected by estate planning documents drafted by the attorney and may assume that the attorney represents their interests as well as the elderly client's interests. Attorneys should explain to these family members that the attorney is representing only the interests of the client. The contract of representation and an engagement letter should clearly identify the client. Even if the person

13. *Hearing, supra* note 7 (statement of Robert Blancato).

14. Laurence J. Cutler & Robin C. Bogan, *Understanding the Four C's of Elder Law Ethics*, GP SOLO LAW TRENDS & NEWS (May 2005) available at <http://www.abanet.org/genpractice/newsletter/lawtrends/0506/family/4cs.html>.

accompanying the client scheduled the appointment or pays the attorney's fees, the attorney's professional duties must be solely to the elder client.¹⁵

Attorneys should also be cautious when those accompanying family members do not let the clients speak or make decisions for themselves. At best, this domination by family members compromises the attorney's ability to follow the requirements of Model Rule 1.2, which states, "a lawyer shall abide by a client's decisions concerning the objectives of representation. . . ."¹⁶ At worst, allowing domination by family members facilitates undue influence and financial exploitation. When a client has diminished capacity, Model Rule 1.14 is also applicable. The comments clarify that even when a client has diminished capacity, the lawyer "must look to the client, and not family members, to make decisions on the client's behalf."¹⁷

Issues of client identification also arise when a lawyer is asked by the client's agent, acting under a power of attorney, to assist in implementing various transactions.¹⁸ The client continues to be the principal. Therefore, the lawyer should consult with the client, assuming that the client still has decision-making capacity, if there is any doubt about whether the transaction is consistent with the client's wishes.¹⁹

CONFLICTS OF INTEREST

Attorneys occasionally may represent multiple clients within a family, so long as their interests are not directly adverse, thereby creating a conflict of interest. Although spouses can generally be jointly represented in estate planning matters, there are certain instances when their interests are directly adverse, and they should be advised to seek separate counsel if they cannot agree as to their objectives.²⁰

15. See MODEL RULES OF PROF'L CONDUCT R. 1.7 cmt. 13 (2005) (guidance on receiving payment from a source other than the client).

16. *Id.* at R. 1.2(a).

17. *Id.* at R. 1.14 cmt. 3. One exception to this rule is when protective action is necessary. *Id.* at cmt. 5.

18. Betsy J. Abramson, *Ethical Considerations in Potential Elder Abuse Cases*, 16 NAELA Q. 15, 15 (Fall 2003).

19. *Id.*

20. *Id.* at 17.

CONFIDENTIALITY

Some clients may consent to full disclosure of their discussions with the attorney to their family members, others may desire complete confidentiality and still others may desire partial disclosure.²¹ Informing family members or other interested parties about issues of client identification, and the attendant duties owed to the client, increases the likelihood that family members will understand when confidential information is not disclosed to them or when the client is interviewed privately. For reasons discussed above, interviewing a client alone may be necessary if those accompanying the elder are overly dominating. Private interviews also allow the attorney to more easily discern if the client has diminished capacity.

COMPETENCY

Model Rule 1.14 states that when a client has diminished capacity:

(a) [T]he lawyer shall, as far as reasonably possible, maintain a normal client-lawyer relationship with the client.

(b) When the lawyer reasonably believes that the client has diminished capacity, is at risk of substantial physical, financial or other harm unless action is taken and cannot adequately act in the client's own interest, the lawyer may take reasonably necessary protective action, including consulting with individuals or entities that have the ability to take action to protect the client. . . .²²

The comments clarify that protective measures could include consulting with adult protective agencies.²³ In addition, the comments direct attorneys to seek guidance from a diagnostician, when appropriate, to determine the extent of a client's diminished capacity.²⁴

Unfortunately, not all attorneys follow these ethical dictates.

21. Cutler & Bogan, *supra* note 14.

22. MODEL RULES OF PROF'L CONDUCT R. 1.14 (2005).

23. *Id.* at cmt. 5.

24. *Id.* at cmt. 6.

In re Estate of Collings,²⁵ for example, involved claims against an estate for the payment of attorney's fees. A home aide brought the client, Ms. Collins, to see an attorney, Mr. Cohn. At their first meeting, Attorney Cohn had Ms. Collings execute a document revoking a power of attorney that designated relatives as attorneys-in-fact. Attorney Cohn was subsequently advised that the Philadelphia Corporation for Aging (PCA) was involved in providing services to Ms. Collings and that the PCA's attorney believed Ms. Collings was incapacitated. On the second meeting with Ms. Collings, Attorney Cohn drafted a power of attorney appointing another lawyer as the attorney-in-fact. In a hearing held a few months later, Ms. Collings was unable to identify the drafting attorney or the attorney-in-fact. The court declared her totally incapacitated and appointed the PCA president as her guardian. The court concluded that "[w]hen faced with a prospective client who had obvious deficits, Mr. Cohn was obligated to satisfy himself as to her capacity by arranging an immediate psychiatric evaluation before he undertook to represent her."²⁶

Because Ms. Collings lacked capacity to retain counsel, execute, or revoke a power of attorney, she could not be bound by the fee agreement her supposed attorney-in-fact had signed. Mr. Cohn's claim for fees and costs of over \$15,000 was denied.

This case serves as a reminder to attorneys to be aware of and adhere to their ethical obligations when representing clients of questionable capacity who are susceptible to financial exploitation.

WARNING SIGNS OF FINANCIAL EXPLOITATION

Some of the warning signs of financial exploitation that may be observed by an attorney involve legal documents and transactions. These include:²⁷

- estate planning documents or real estate transactions by an elder who does not remember or comprehend the meaning of the transactions
- sudden changes in an older client's property, titles, or estate plan, especially in favor of new acquaintances

25. *Estate of Collings*, No. 829 OF 1995, 1999 WL 33655726 (Pa. C.P. Oct. 19, 1999).

26. *Id.* at *14.

27. Hafemeister, *supra* note 2, at 396-399.

- recent appearance of previously uninvolved relatives showing interest in or claiming rights to an elder's assets;
- absence of documentation about financial arrangements or transactions
- vague or suspicious explanations given about the elder's finances and financial or legal transactions
- complaints from the elder about once having had money, but not seeming to have any more funds
- individuals seeking to obtain title to property in exchange for promises of life-long care
- credit problems, eviction notices, or foreclosure notices sent to an elder who should have adequate resources

PRACTICAL PREVENTION TOOLS AND REMEDIES

Attorneys should note significant cognitive impairments of clients and potential clients not only because it may affect their legal competence to execute documents, but also because it is a risk factor that makes individuals more susceptible to financial abuse.²⁸ Social isolation and excessive dependence upon one person or advisor also increases the likelihood of financial exploitation. Attorneys should encourage clients to seek out multiple trusted advisors, whether professional or not, to help clients guard themselves against unscrupulous business deals, expensive purchases, risky investments, unnecessary insurance, and overpriced service contracts.²⁹

Powers of attorney, while often functioning as helpful planning documents, always carry the possibility of making an individual vulnerable to exploitation from a less-than-trustworthy agent. This is particularly true when the power of attorney contains a gifting power. In justifying a rule that only allows gifting powers that are expressly written into the agreement, one court noted, "[a] durable gifting power is a particularly dangerous power in that it survives the principal's personal ability to monitor its exercise."³⁰ Attorneys serve an

28. *Id.* at 397.

29. DENVER DIST. ATTORNEY'S OFFICE, POWER AGAINST FRAUD HANDBOOK 14 (on file with authors).

30. *Praefke v. Am. Enter. Life Ins. Co.*, 655 N.W.2d 456, 461 (Wis. Ct. App. 2002). It is important to note, however, that not all states follow this rule. It would be prudent to expressly exclude gift giving powers unless a client wants that power included. See Julia Calvo Bueno, *Reforming Durable Power of Attorney Statutes to Combat Financial*

important role by explaining the legal significance of power of attorney documents to their clients so that the clients are appropriately cautious when choosing an agent to act on their behalf and when deciding whether to grant gifting powers to that agent.

If a client does desire to grant an agent gifting powers, safeguards such as requiring third-party approval for gifts, limiting the amounts of gifts, and specifically listing recipients may be advisable.³¹ Whether gifting powers are granted or excluded, there are additional general safeguards that can be included in a power of attorney. These safeguards include requiring an annual reporting to an outside party; appointing two trustworthy agents to act jointly, thus incorporating a check on the actions of one another; and making the power of attorney a "springing" power that only takes effect in specified circumstances, such as incapacitation.³²

If an attorney suspects that a client has been the victim of financial exploitation under a power of attorney, the attorney should advise the client to revoke the power of attorney, notify the client's financial institutions of the revocation, and request an accounting from the attorney-in-fact.³³ If the client lacks the competence to execute a revocation, a guardianship or conservatorship can be sought to protect the client. A temporary restraining order may be sought to freeze assets while the matter is being examined. The lawyer should also consider making a report to APS. Depending upon the jurisdiction, attorneys may be legally required to make a report.³⁴ Lawyers must carefully analyze the state's mandatory reporting statute as well as their code of ethics if the client does not wish for a report to be made, thus raising issues of client confidentiality.³⁵ The Model Rules allow confidential information to be disclosed as reasonably

Exploitation of the Elderly, 16 NAELA Q. 20, 23 (Fall 2003).

31. Abramson, *supra* note 18, at 15.

32. Mirry M. Hwang, *Durable Power of Attorney: Financial Planning Tool or License to Steal?*, 15 J. OF LONG-TERM HOME HEALTH CARE 13, 21 (Spring 1996).

33. See Hafemeister, *supra* note 2, at 431.

34. SANDRA L. HUGHES, A.B.A. COMMISSION ON LAW AND AGING, CAN BANK TELLERS TELL?—LEGAL ISSUES RELATING TO BANKS REPORTING FINANCIAL ABUSE OF THE ELDERLY 10 (2003), http://www.elderabusecenter.org/pdf/publication/bank_reporting_long_final_52703.pdf. (Fifteen states require that any person who reasonably suspects elder abuse and exploitation shall report it.).

35. Abramson, *supra* note 18, at 17.

necessary in order to “comply with other law...”³⁶ This exception would be applicable if the law required that suspected abuse and financial exploitation be reported. Even in states where a report is not mandated, the services of APS may prove helpful in investigating the case and recommending community resources to assist the client. Furthermore, APS, in conjunction with the prosecutor’s office, can criminally prosecute perpetrators in substantiated cases to reduce the risk that the perpetrator will continue to exploit.

Applicable civil remedies for victims of financial exploitation include traditional tort theories such as conversion, fraud, and breach of fiduciary duty.³⁷ Some states provide for additional or enhanced remedies, such as statutory attorney’s fees and treble damages, in instances of elder abuse and exploitation in order to make representation of elderly victims more economically feasible.³⁸ Attorneys also may petition the court to invalidate transactions for reasons of fraud, incapacity, or undue influence, or they may request that the court impose a constructive trust on the property conveyed to the exploiter.

By adhering to the ethical rules, being aware of the signs of financial exploitation, and utilizing practical tools to prevent and remedy financial exploitation, lawyers can more effectively assist their older clients.

THE ROLE OF FINANCIAL INSTITUTIONS

BANK REPORTING PROJECTS

Though financial exploitation is sometimes difficult to detect, bank personnel are in an ideal position to recognize and report many of the warning signs of financial exploitation. Massachusetts initiated the first statewide reporting project in collaboration with the private banking industry.³⁹ The project produced training manuals for bank employees and conducted training sessions across the state to teach tellers and other bank

36. MODEL RULES OF PROF’L CONDUCT R. 1.6(b)(6) (2005).

37. Seymour Moskowitz, *Golden Age in the Golden State: Contemporary Legal Developments in Elder Abuse and Neglect*, 36 LOY. L.A. L. REV. 589, 604-605 (2003) [hereinafter Moskowitz, *Golden Age*].

38. *Id.* at 605-606.

39. Gillian Price & Craig Fox, *The Massachusetts Bank Reporting Project: An Edge Against Elder Financial Exploitation*, 8 J. OF ELDER ABUSE & NEGLECT 59, 69 (1997).

employees how to identify suspicious transactions and how to report suspected financial exploitation. Following the project's implementation, reports of financial abuse made by banks to the Massachusetts APS increased dramatically and have remained high.⁴⁰ One branch manager stated, "We can now do something about the situations that used to keep us awake at night."⁴¹ In Oregon, a similar project was organized, and with the help of a federal grant, the project enabled training kits to be distributed to all fifty states.⁴² Several other states now have bank reporting projects, including Illinois, Utah, Maryland, Virginia, and New York.⁴³

Unfortunately, most states have not established bank reporting projects, and often those in the financial industry are either unaware of the problem of financial exploitation or are reluctant to report it.⁴⁴ The reluctance to report is often due to concerns about incurring liability and the fear that disclosure of information about a customer will violate financial privacy laws. Those concerns are discussed below.

IMMUNITY FOR REPORTING BANKS

Those who report suspected financial abuse are almost always protected from liability for reporting.⁴⁵ Most states require only that the report be made in good faith, meaning that it not be made for a wrongful purpose such as to harass the person accused. Indiana's reporting statute, for example, gives civil and criminal immunity to reporters and whistleblower protection to employees who report financial abuse.⁴⁶ Reports can be made anonymously, and the reports and information

40. COMMONWEALTH OF MASS., THE BANK REPORTING PROJECT: EMPLOYEE TRAINING MANUAL (2nd ed. 2001) (on file with authors). This manual can be ordered from the Office of Elder Affairs, (617) 222-7845.

41. *Id.*

42. Videotape: Preventing Elder Financial Exploitation: How Banks Can Help (Oregon Dept. of Human Serv. 1999) [hereinafter Video, Financial Exploitation]. This is a set of two videos and manuals which can be ordered by fax (503) 378-2558 or phone (503) 945-6399.

43. See generally NAT'L CTR. ON ELDER ABUSE, PROMISING PRACTICES, <http://www.elderabusecenter.org/default.cfm?p=toolsresources.cfm>.

44. See generally HUGHES, *supra* note 34.

45. *Id.* at 21 n.69. (Only one state, South Dakota, does not provide immunity to all reporters in good faith.)

46. IND. CODE ANN. §12-10-3-11 (West 2004).

from the investigation are confidential.⁴⁷

Banks also have expressed concerns about facing liability for failing to report suspected financial exploitation. As a result, the financial industry has often opposed state legislation requiring mandatory reporting.⁴⁸ Because of the fear of liability is exaggerated; cases dealing with this issue are quite protective of the financial industry. *Ahrendt v. Granite Bank*,⁴⁹ for example, refused to find a bank liable for the losses a customer suffered as a result of a home-repair scam. The bank called the customer to confirm that the withdrawals were authorized, and the court held that the bank had no duty to investigate further. Another recent case, *Santucci v. Citizens Bank of Rhode Island*,⁵⁰ had a similar holding. Plaintiffs sought to use an employee training manual from the state's bank reporting project to evidence a duty of care. The court rejected this argument.⁵¹ These cases demonstrate the very limited risk of liability a bank has for failing to report financial exploitation. Absent an explicit provision imposing liability, neither a reporting statute nor the existence of a state bank reporting project have increased banks' liability.⁵²

The financial industry has also expressed concern that revealing information in an APS report would violate statutory privacy provisions. The Gramm-Leach-Bliley Act, a federal law that regulates the privacy of financial records, contains exceptions relevant to reporters of financial exploitation. The disclosure of non-public personal information is not prohibited if needed "to protect against or prevent actual or potential fraud, unauthorized transactions, claims, or other liability . . . [or] to comply with Federal, State, or local law, rules, and other

47. IND. CODE ANN. §12-10-3-15 (West 2004).

48. See SANDRA L. HUGHES, A.B.A. COMMISSION ON LAW AND AGING, LEGAL ISSUES RELATED TO BANK REPORTING OF SUSPECTED ELDER FINANCIAL ABUSE (2003), http://www.elderabusecenter.org/pdf/publication/bank_reporting_summary_final_52703.pdf The District of Columbia and all states except Colorado, New Jersey, New York, North Dakota, South Dakota, and Wisconsin had mandatory reporting requirements as of 2001. *Id.* at 3.

49. 740 A.2d 1058 (N.H. 1999).

50. 799 A.2d 254 (R.I. 2002).

51. *Id.* at 257.

52. HUGHES, *supra* note 34, at 12. Four states, Arkansas, Iowa, Minnesota, and Michigan, have statutes stating that failure to report will result in liability equal to the damage caused by not reporting. *Id.* at n.32.

applicable legal requirements. . . ."⁵³ These exceptions are applicable to both voluntary and mandatory reporters.⁵⁴

Whether reporting is voluntary or mandatory, financial exploitation of elderly customers should be a special concern of financial institutions. Those elders, age sixty-five years and older, control approximately seventy percent of the funds deposited in banks and other financial institutions.⁵⁵ By educating their employees to prevent, recognize, and report financial exploitation, banks and other financial institutions protect their customers and the assets their customers entrust to them. Educating employees and establishing protocols for reporting suspected exploitation provides financial institutions with an opportunity to distinguish their transactional security measures and customer service from their competitors.

STEPS TO PROTECT CUSTOMERS OF FINANCIAL INSTITUTIONS

Financial institutions should train their employees to take the following simple steps to keep their customers and the assets they entrust to the bank more secure.

INCREASE AWARENESS OF THE SIGNS OF FINANCIAL EXPLOITATION

The signs of financial exploitation include:⁵⁶

- large withdrawals from an account with a recently-added joint owner
- the customer is concerned or confused about "missing funds"
- ATM withdrawals if the customer's mobility is limited or if the customer has not previously used an ATM
- the person accompanying the customer seems unusually interested in the customer's finances or the customer seems afraid of that person
- implausible explanations from the customer or the person

53. 15 U.S.C.A. §6802(e)(3)(B); (e)(8) (West 2005). For a thorough discussion of this legal issue, see HUGHES, *supra* note 34. The article also explores issues of state financial privacy laws. *Id.* at 17-20. At the very least, banks may report to APS the name of the suspected victim, the alleged perpetrator, and the nature of the suspected abuse without revealing protected confidential information.

54. HUGHES, *supra* note 34, at 17-20.

55. Dessin, *supra* note 11, at 205.

56. See generally Video, Financial Exploitation, *supra* note 42.

accompanying him or her about transactions

- suspicious signatures on checks or other documents
- the customer is not allowed to speak or make decisions for himself or herself
- the person claims to act on behalf of a customer but lacks documentation of authority
- large cash withdrawals or other dramatic changes in banking activity

ASK FOR VERIFYING DOCUMENTS

When someone claims to be acting on behalf of a customer, that person should present a power of attorney or court appointment. Though the banker is not required to read through the document, someone truly authorized to act for a customer should have the documentation available for review.

OFFER MORE SECURE ALTERNATIVE SERVICES

Suggesting more secure, yet equally effective, services to meet a customer's financial needs can prevent a significant amount of financial exploitation. Though the customer makes the choice about which services he or she will utilize, making customers aware of available services empowers customers to protect themselves. For example, an appropriate service to offer a customer requesting a large cash withdrawal to pay for a service or product would be a cashier's check. This method of payment is more secure than carrying a large amount of cash, and it creates a paper trail, allowing the transaction to be traced. If the check is lost or stolen, a stop payment may be placed on it.

Some customers may request that a name be added to an account because they believe that a joint account avoids an expensive probate. An appropriate service to offer would be a payable-on-death (POD) designation. This option allows the designated individual to automatically inherit, but it is more secure than a joint account, because the designated beneficiary, unlike a joint owner, does not have the power to make withdrawals during the account owner's lifetime.

Customers wishing to establish a joint account for bill-paying purposes may wish to consider direct deposits, especially for Social Security checks, and automatic bill pay for utilities and other bills. Or, if the customer has an account with a fairly large

balance, he or she can open a new account with the joint owner and establish an automatic monthly transfer to the new account of a specified amount for bill-paying purposes, while keeping the remaining balance of the original account secure.

BECOME FAMILIAR WITH COMMON SCAMS

Although most financial exploitation is committed by someone known to the victim, frauds and scams constitute a significant amount of financial exploitation. The Federal Deposit Insurance Corporation (FDIC) website and state attorney general offices' websites alert the public and the financial industry to scams.⁵⁷ Financial institutions should assign someone, perhaps the employee with responsibility over transactional security, to monitor these websites and report common scams to other employees as necessary.

REPORT SUSPICIOUS TRANSACTIONS TO THE APPROPRIATE AGENCY

The Federal Trade Commission, state attorney general offices, other consumer protection agencies, and Better Business Bureaus help professionals and senior citizens document and address complaints. Also, suspected financial exploitation can be reported to APS.⁵⁸ Of course, emergencies that threaten the customer's physical safety should immediately be reported to the local police.

Each financial institution should develop a protocol for reporting suspected abuse and inform its employees of the established reporting procedure. For example, some financial institutions have tellers and customer service representatives report suspected financial abuse to their superior, and the superior makes the report. Other institutions have one individual who is responsible for transactional security and who receives all reports of suspicious activity. That individual, in turn, reports to APS when warranted. An alternative procedure is to train tellers to make their own reports and to consult superiors only in difficult cases. But in an age of electronic

57. See FEDERAL DEPOSIT INSURANCE CORP., SPECIAL ALERTS (2005), <http://www.fdic.gov/news/news/specialalert/2005/index.html>. The page also has links to previous years with consumer alerts, fraudulent requests for information, and other alerts.

58. The National Center on Elder Abuse has provided a list of state telephone numbers to report elder abuse. See Appendix.

checks and on-line account transfers, funds can be depleted quickly. Thus, whatever reporting protocol a bank or other financial institution chooses should be expeditious in addressing the problem and alerting authorities to the suspected financial exploitation.

The cooperation of banks and other financial institutions is crucial to combating financial exploitation. They are in an ideal position to protect their customers, because they are the most likely to be able to observe many of the warning signs when exploitation occurs.

THE ROLE OF CLERGY

The clergy comprise another important group of professionals who are often in a position to intervene in cases of elder financial abuse. Religious leaders have contact with most elderly individuals, a significant fact because many elderly victims are relatively isolated. "Eighty percent of persons age sixty-five and older are members of a religious body and fifty-six percent say they attend church weekly."⁵⁹ Clergy have regular, face-to-face contact with the majority of elderly individuals and usually have a positive rapport with members of their congregation. Religious leaders elicit a high degree of trust, and congregants are generally more willing to disclose very personal information to an ecclesiastical leader or spiritual counselor than to other types of professionals. This creates an opportunity for clergy to obtain information through conversations, observe changes in behavior or lifestyle that signal financial abuse, and be an effective resource in preventing and responding to financial exploitation.

Despite their potential to assist victims of elder abuse, religious professionals rarely report cases of suspected abuse and exploitation. In a national survey of Area Agencies on the Aging, clergy and lawyers were ranked among the three least helpful professional groups in discovering and treating elder abuse.⁶⁰ Less than one percent of reports to APS were received

59. Moskowitz & DeBoer, *supra* note 10, at 36 (citing GEORGE H. GALLUP, JR., *RELIGION IN AMERICA* 5, 40-41 (1996)).

60. B. E. Blakely & Ronald Dolon, *The Relative Contributions of Occupation Groups in the Discovery and Treatment of Elder Abuse and Neglect*, 17 J. OF GERONTOLOGICAL SOC. WORK 183, 189, 193 (1991). The survey included fourteen total occupational groups. *Id.* at 187.

from clergy in 2000.⁶¹ Education is necessary to improve the effectiveness of religious leaders in detecting, reporting, and responding to issues of elder abuse. Colorado has a model training program, Communities Against Senior Exploitation (CASE),⁶² which is sponsored by the Denver District Attorney's office.⁶³ The program educates members of the faith community on the signs of financial abuse and how to report it. Over 450 churches and other faith-affiliated agencies have committed to the CASE partnership. CASE also conducts training sessions for seniors on how to avoid becoming victimized and sends monthly fraud alerts to participants. Additionally, CASE offers language assistance in specific cultural communities. CASE replication toolkits can be obtained by contacting the CASE Project Director.⁶⁴

SIGNS OF FINANCIAL ABUSE

Clergy often make home visits to congregants. As a result, they are in an ideal position to observe indications of financial abuse that other professionals rarely see. These warning signs include:

- The elder is living well below his or her means; he or she is poorly dressed, does not have food and lacks heat in his or her residence; and the elder complains about not having enough money.
- Personal belongings and valuable property such as jewelry are missing.
- The caregiver isolates the older person, or the older person is told by the caregiver that his or her family or friends no longer want to see him or her.
- Eviction or foreclosure notices are being sent to the older person and there are other unpaid bills.
- The elder has an unkept residence when arrangements have been made to provide care.
- The elder has new acquaintances, particularly those who

61. TEASTER, *supra* note 1, at 23.

62. Originally named Clergy Against Senior Exploitation, the name was changed to include non-religious groups as partners of the organization.

63. The program's website is http://www.denverda.org/html_website/denver_da/CASE%20who.html.

64. The CASE Project Director may be contacted at LLC@denverda.org.

take up residence with him or her.

- Sudden traffic in and out of the home or a noticeable increase in spending of those living with or caring for the older person.
- Family members who are addicted to alcohol or drugs or who indicate a feeling of entitlement to the older person's funds.
- Defensiveness or hostility of family members or caregivers and an unwillingness to leave the elder alone for a private visit.

Religious leaders should especially be aware of congregants who exhibit several of the vulnerability factors. These factors include living alone, recent loss of a spouse, loneliness, significant health problems or cognitive impairments, and being overly trusting.⁶⁵ These factors dramatically increase vulnerability to financial abuse. When a member of the clergy suspects an elder is being exploited, a report should be made immediately to APS.

Clergy may be reticent to report suspected financial exploitation because they assume that reporting would violate the clergy-penitent privilege. However, the scope of the privilege is relatively limited. Most importantly, the privilege is limited "to statements made to clergy under the 'sanctity of a religious confessional' or 'within the course of discipline enjoined by [the] church.'"⁶⁶ Informal conversations, communications made as a friend, conversations which are casually overheard, and observed actions are all non-privileged information.⁶⁷ Additionally, the clergy-penitent privilege does not cover reports of elder abuse or financial exploitation received from a source other than the penitent. If, for instance, fellow parishioners or individuals working in church programs relate information to the clergy about suspected exploitation, the information is not privileged even if the information is conveyed by the third person in confidence.⁶⁸ The reporting of financial abuse raises some complex legal, constitutional, and religious issues. Religious professionals should be aware of their state's APS reporting requirements, understand their ministerial ethics,

65. DENVER DIST. ATTORNEY'S OFFICE, *supra* note 29, at 1.

66. Moskowitz & DeBoer, *supra* note 10, at 61-62.

67. *Id.* at 63.

68. *Id.* at 64.

know the limits of their state's clergy-penitent privilege, and consider the impact that failing to report the abuse will have on the victim as well as the community.⁶⁹

THE ROLE OF OTHERS

ADULT PROTECTIVE SERVICES

APS agencies can play a catalytic role in addressing financial exploitation. They should facilitate cooperation between various occupational groups through educational efforts with professional associations such as bankers' associations and the state bar associations, establish bank training projects that replicate successful models in other states, and adapt available training materials. States with successful projects report measurable improvements in the ability of bank employees to recognize and appropriately respond to suspicious banking transactions. For example, APS reports from banks tripled in the two years following the establishment of the Oregon Bank Reporting Project.⁷⁰

Adult protective services agencies should analyze their own state's laws regarding financial privacy. If reports of suspected financial abuse fall within an exception to these laws, APS should emphasize that exception when encouraging banks and bank personnel to report suspected abuse. If there is no clear exception to the state financial privacy laws allowing banks to disclose confidential information when reporting suspected financial exploitation, APS should propose such an amendment.⁷¹ Alternatively, APS may instruct bank personnel to report only the name of the alleged victim, the identity of the perpetrator, and the reason abuse is suspected.⁷² APS can then subpoena the necessary account records during its investigation. Through lobbying efforts and educational projects, APS can encourage increased reporting of financial abuse and offer more effective intervention for older victims.

69. *Id.* at 83.

70. HUGHES, *supra* note 34, at 33.

71. *Id.* at 17-20.

72. Disclosing this limited information will not likely violate any privacy law. *Id.* at 20.

LEGISLATORS

Lawmakers can assist elderly citizens who suffer financial abuse by appropriating adequate funding to APS and by increasing statutory remedies available to victims. Insufficient funding is the most prevalent problem reported by APS administrators with fifty-seven percent of the states reporting a lack of sufficient state and federal support.⁷³ Lawmakers also may consider expanding the list of professionals who are mandatory reporters of elder abuse and passing legislation that expedites the legal process for older persons.⁷⁴ Additional statutory remedies that would help redress abuse include treble damages, punitive damages, and awarding attorneys' fees and costs to victims of financial exploitation.⁷⁵

POLICE OFFICERS

Police officers are often involved in cases of elder abuse. Although many law enforcement officers respond properly, some are unfamiliar with the dynamics of elder abuse and are ill-prepared to handle financial abuse cases. It is, therefore, essential that police forces receive proper training on the issue of abuse and exploitation. Some law enforcement personnel may mistakenly believe that they lack authority with regard to the misuse of assets under a power of attorney, characterizing it as a civil rather than a criminal issue.⁷⁶ However, an agent who lacks gifting powers and is using the principal's assets for his own benefit is stealing from the elder and committing a crime. There is an excellent police guide distributed by the U.S. Department of Justice that trains officers about financial crimes against the elderly, defines financial abuse, lists risk factors, and describes responses.⁷⁷ Law enforcement officers also can participate in

73. NAT'L ASS'N OF ADULT PROTECTIVE SERVS. ADM'RS, SURVEY REPORT: PROBLEMS FACING STATE ADULT PROTECTIVE SERVICES PROGRAMS AND THE RESOURCES NEEDED TO RESOLVE THEM 3 (2003), <http://www.elderabusecenter.org/pdf/publication/NAAPSA7.pdf>. (Additionally, forty-three percent of the states surveyed reported a related problem of inadequate staffing.).

74. Moskowitz, *Golden Age*, *supra* note 37, at 643.

75. *Id.* at 605-606.

76. E-mail from Kristine Harlow, Adult Protective Services Investigator, La Porte County Prosecuting Attorney's Office (Aug. 4, 2005) (on file with authors).

77. KELLY DEDEL JOHNSON, U.S. DEPT. OF JUSTICE OFFICE OF COMMUNITY

multi-disciplinary teams and lend their expertise in investigating cases.

MULTIDISCIPLINARY TEAMS

About one-half of the states have a multi-disciplinary team to address issues of financial abuse.⁷⁸ Most multi-disciplinary teams review cases of elder abuse and recommend treatment options and resources to assist victims.⁷⁹ These groups utilize the collective experience of different professions to analyze cases and develop multi-faceted solutions. States should expand these teams to ensure that they include attorneys, bank representatives, clergy, medical personnel, and law enforcement officers. Failing to include relevant professions hinders effective analysis. For example, over sixty percent of states with multi-disciplinary teams regularly do not have banks represented.⁸⁰ The expertise of the financial industry is crucial to addressing financial abuse. Other professionals similarly contribute specific insights essential to achieving a full and accurate picture of elder abuse cases.

CONCLUSION

The responsibility to protect vulnerable adults does not fall on one agency or industry alone. Effective solutions to financial exploitation must be broadly based and include all of the various professionals who are able to assist the elderly. Lawyers, bankers, and clergy have especially important roles to play in identifying, reporting, and addressing suspected financial abuse. Other groups, including APS, legislators, and police, can also make significant contributions. Financial exploitation is a widespread social problem that can only be addressed by enlisting all segments of the community.

ORIENTED POLICING SERVICES, FINANCIAL CRIMES AGAINST THE ELDERLY, <http://www.cops.usdoj.gov/mime/open.pdf?Item=963>. The National White Collar Crime Center has recently undertaken training police officers all over the country regarding financial crimes involving the elderly. See NWC3, 2005 *Economic Crime Summit*, (2005) <http://www.summit.nw3c.org>.

78. NAT'L ASS'N OF ADULT PROTECTIVE SERVS. ADM'RS, *supra* note 1.

79. *Id.*

80. *Id.*

Appendix A: Elder Abuse Hotlines, Phone Numbers, and Websites

| State | Report Elder Abuse Domestic/ Community | Report Elder Abuse Nursing Home/Long Term Care Facility | Website |
|----------------------|---|--|--|
| Alabama | 1-800-458-7214 | 1-800-458-7214 | N/A |
| Alaska | 1-800-478-9996 (Toll free in AK); 1-907-269-3666 (Outside of AK) | 1-800-730-6393 (Toll free in AK); 1-907-334-4483 (Outside of AK) | http://health.hss.state.ak.us/dsds/aps.htm |
| Arizona | 1-877-767-2385 | 1-877-767-2385 | http://www.de.state.az.us/aaa/apsciu/default.asp |
| Arkansas | 1-800-332-4443 (Toll free in AR); 1-800-482-8049 (Outside of AR) | 1-800-582-4887 | http://www.state.ar.us/dhs/aging/aps.html |
| California | 1-888-436-3600 (Toll free in CA) | 1-800-231-4024 | http://www.dss.cahwnet.gov/cdssweb/protective_175.htm |
| Colorado | 1-800-773-1366 | 1-800-773-1366 | http://www.cdhs.state.co.us/ADRS/AAS/adprot.htm |
| Connecticut | 1-888-385-4225 or 1-860-424-5241 | 1-860-424-5241 | http://www.dss.state.ct.us/svcs/socialwork/pg3.htm . Then, click of Elders. |
| Delaware | 1-800-223-9074 | 1-800-223-9074 | http://www.dhss.delaware.gov/dhss/main/spaganea.htm |
| District of Columbia | 1-202-541-3950 | 1-202-434-2140 | http://www.dhs.dc.gov/dhs/cwp/view.a.3.q.492691,dhsNav,30980.asp |
| Florida | 1-800-962-2873 | 1-800-962-2873 | http://www.dcf.state.fl.us/as/ |
| Georgia | 1-888-774-0152; 404-657-5250 (Metro-Atlanta) | 1-800-878-6442; 404-657-5728 (Metro-Atlanta) | http://dhr.georgia.gov/portal/site/DHR/ . Click on Services and then click on Senior Services. |

| | | | |
|-----------|--|--|---|
| Hawaii | 1-808-832-5115 (Oahu); 1-808-243-5151 (Maui, Molokai, and Lanai); 1-808-241-3432 (Kauai); 1-808-933-8820 (East Hawaii); 1-808-327-6280 (West Hawaii) | 1-808-832-5115 (Oahu); 1-808-243-5151 (Maui, Molokai, and Lanai); 1-808-241-3432 (Kauai); 1-808-933-8820 (East Hawaii); 1-808-327-6280 (West Hawaii) | http://www.hawaii.gov/dhs/ph_dhs.html |
| Idaho | 1-877-471-2777 | 1-877-471-2777 | http://www2.state.id.us/icoa/index.htm#adult |
| Illinois | 1-800-252-8966 (Toll free in IL); 1-217-524-6911 (Outside of IL) | 1-800-252-4343 (Toll free in IL); 1-217-785-0321 (Outside of IL) | http://www.state.il.us/aging/1abuselegal/abuse.htm |
| Indiana | 1-800-992-6978 (Toll free in IN); 1-800-545-7763, Ext. 20135 (Outside of IN) | 1-800-992-6978 (Toll free in IN); 1-800-545-7763, Ext. 20135 (Outside of IN) | http://www.in.gov/fssa/elderly/ |
| Iowa | 1-800-362-2178 | 1-800-686-0027 or 1-877-686-0027 | N/A |
| Kansas | 1-800-922-5330 (Toll free in KS); 1-785-296-0044 (Outside of KS) | 1-877-662-8362 (Toll free in KS); 1-85-296-3017 (Outside of KS) | http://www.srskansas.org/ISD/ees/adult.htm |
| Kentucky | 1-800-752-6200 | 1-800-752-6200 | http://chfs.ky.gov/ |
| Louisiana | 1-800-259-4990 (Toll free in LA); 1-225-342-9722 (Outside of LA) | 1-800-259-4990 (Toll free in LA); 1-225-342-9722 (Outside of LA) | http://www.louisiana.gov/wps/portal/ . Search for Elderly Protective Services. |

| | | | |
|---------------|---|---|---|
| Maine | 1-800-624-8404 (Toll free in ME); 1-207-532-5047 (Outside of ME) | 1-800-383-2441 (Toll free in ME) | http://www.maine.gov/dhhs/beas/ |
| Maryland | 1-800-917-7383 (Toll free in MD); 1-800-677-1116 (Outside of MD) | 1-800-917-7383 (Toll free in MD); 1-410-767-1091 (Outside MD) | http://www.dhr.state.md.us/csa/oas.htm |
| Massachusetts | 1-800-922-2275 (Toll free in MA); 1-800-243-4636 (Outside of MA) | 1-800-462-5540; 1-800-243-4636 | http://www.mass.gov/ . Then, search for Elder Affairs. |
| Michigan | 1-800-996-6228 | 1-800-882-6006 | http://www.michigan.gov/fia/0,1607,7-124-5452_7119-15663--,00.html |
| Minnesota | 1-800-333-2433 | 1-800-333-2433 | http://www.dhs.state.mn.us/Agingint/Services/adultpsu.htm |
| Mississippi | 1-800-222-8000 (Toll free in MS); 1-601-359-4991 (Outside of MS) | 1-800-222-8000 (Toll free in MS); 1-601-359-4991 (Outside of MS) | http://www.mdhs.state.ms.us/fcs_aps.html |
| Missouri | 1-800-392-0210 | 1-800-392-0210 | http://www.dhss.mo.gov/ElderAbuse/ |
| Montana | 1-800-551-3191 (Toll free in MT); 1-406-444-4077 (Outside of MT) | 1-800-551-3191 (Toll free in MT); 1-406-444-4077 (Outside of MT) | http://www.dphhs.state.mt.us/sltc/protective_legal/07.02.elder.abuse.htm |
| Nebraska | 1-800-652-1999 (Toll free in NE); 1-402-595-1324 (Outside of NE) | 1-800-652-1999 (Toll free in NE); 1-402-595-1324 (Outside of NE) | http://www.hhs.state.ne.us/ags/aps.htm |
| Nevada | 1-800-992-5757 (Toll free in NV) | 1-800-992-5757 (Toll free in NV) | N/A |

| | | | |
|----------------|---|---|---|
| New Hampshire | 1-800-351-1888 or 1-603-271-4680 | 1-800-442-5640 or 1-603-271-4375 | http://www.dhhs.nh.gov/DHHS/DHHS_SITE/default.htm |
| New Jersey | 1-800-792-8820 (Toll free in NJ); 1-609-943-3473 (Outside of NJ) | 1-800-792-8820 (Toll free in NJ); 1-609-943-3473 (Outside of NJ) | http://www.state.nj.us/health/senior/adultpsp.shtml |
| New Mexico | 1-800-797-3260; 1-505-841-6100 (In Albuquerque) | 1-800-797-3260; 1-505-841-6100 (In Albuquerque) | http://www.nmaging.state.nm.us/ |
| New York | 1-800-342-3009 (Toll free in NY) - Press Option 6 | 1-888-201-4563 (Nursing Home); 1-866-893-6772 (Adult Care Home) | http://www.ocfs.state.ny.us/main/psa |
| North Carolina | 1-800-662-7030 | 1-800-662-7030 | http://www.dhhs.state.nc.us/docs/division.htm#aging |
| North Dakota | 1-800-451-8693 | 1-800-451-8693 | N/A |
| Ohio | 1-866-635-3748 (Toll free in OH); 1-800-677-1116 (Outside of OH) | 1-800-342-0533 | http://www.state.oh.us/odjfs/factsheets/IC00protective.stm |
| Oklahoma | 1-800-522-3511 | 1-800-522-3511 | http://www.okdhs.org/aps |
| Oregon | 1-800-232-3020 | 1-800-522-2602; 1-503-378-6533 | http://www.oregon.gov/DHS/spwpd/abuse/home.shtml |
| Pennsylvania | 1-800-490-8505 | 1-800-254-5164 | http://www.aging.state.pa.us/aging/cwp/view.asp?a=3&q=173897 |
| Rhode Island | 1-401-462-0550 | 1-401-785-3340 | N/A |
| South Carolina | 1-803-898-7318 | 1-803-898-2850 | http://www.state.sc.us/dss/aps/index.html |

| | | | |
|---------------|---|--|---|
| South Dakota | 1-605-773-3656 | 1-605-773-3656 | http://www.state.sd.us/social/ASA/Services/protective |
| Tennessee | 1-888-277-8366 | 1-888-277-8366 | http://www.state.tn.us/humanserv/ |
| Texas | 1-800-252-5400 (Toll free in TX); 1-512-834-3784 (Outside of TX) | 1-800-458-9858 (Toll free in TX); 1-512-834-3784 (Outside of TX) | http://www.tdprs.state.tx.us/Adult_Protection/ |
| Utah | 1-800-371-7897 (Toll free in UT); 1-801-264-7669 (Outside of UT) | 1-800-371-7897 (Toll free in UT); 1-801-264-7669 (Outside of UT) | http://www.hsdas.utah.gov/ap/ap_referral.htm |
| Vermont | 1-800-564-1612 or 1-802-241-2345 | 1-800-564-1612 or 1-802-241-2345 | http://www.dad.state.vt.us/lp/aps.htm |
| Virginia | 1-888-832-3858 | 1-888-832-3858 | http://www.dss.state.va.us/division/famserv/ |
| Washington | 1-866-363-4276 | 1-800-562-6078 | http://www.aasa.dshs.wa.gov/topics/abusesign.htm |
| West Virginia | 1-800-352-6513 | 1-800-352-6513 | http://www.wvdhhr.org/default.asp |
| Wisconsin | 1-608-266-2536 | 1-800-815-0015 (Toll free in WI); 1-608-246-7013 (Outside of WI) | http://www.dhfs.state.wi.us/aps/index.htm |
| Wyoming | 1-800-457-3659 (Toll free in WY); 1-307-777-6137 (Outside of WY) | 1-307-777-6137; 1-307-777-7123 | http://dfsweb.state.wy.us/childsvc/toc1.htm |
