

To schedule training, please contact:
tracilee@utah.gov



APS: Working Together with Multi-Jurisdictions



Abuse, Neglect, Exploitation:

At least 10% of adults age 65 and older will experience some form of elder abuse in a given year, with some older adults simultaneously experiencing more than one type of abuse.

~ Elder Justice Initiative

Mandatory Reporting Under Utah Law

(UC §26B-6-201)

“Any person who has reason to believe that any vulnerable adult has been the subject of abuse, neglect, or exploitation shall immediately notify Adult Protective Services intake or the nearest law enforcement agency. When the initial report is made to law enforcement, law enforcement shall immediately notify Adult Protective Services intake. Adult Protective Services and law enforcement shall coordinate, as appropriate, their efforts to provide protection to the vulnerable adult.”

Vulnerable Adult

An elder adult, 65 years of age or older.

An adult (18-64) who has a mental or physical impairment which substantially affects that person's ability to:

- 1) Provide personal protection;
- 2) Provide necessities such as food, shelter, clothing or, mental or other health care;
- 3) Obtain services necessary for health, safety, or welfare;
- 4) Carry out the activities of daily living;
- 5) Manage the adult's own financial resources; or
- 6) Comprehend the nature and consequences of remaining in a situation of abuse, neglect, or exploitation.

APS Intake Criteria

Rule 510-302

APS shall accept all referrals with allegations of abuse, neglect, or exploitation of a vulnerable adult in the State of Utah except as follows:

- When the referral does not involve an allegation that a vulnerable adult may have been or is being abused, neglected or exploited;
- When the referral does not identify a *current* abuse, neglect or exploitation allegation, but anticipates that abuse, neglect, or exploitation *may* occur;
- When the referral involves a vulnerable adult on an Indian reservation;
- When the referral involves an alleged incident in a long-term care facility involving an alleged theft or alleged loss of a resident's money and/or personal property, the alleged perpetrator(s) is unknown, and the money and/or personal property has been replaced, returned, or reimbursed by the facility;
- When the referral involves an alleged financial scam and/or alleged consumer fraud;
- When the referral contains insufficient information to locate the alleged victim.

HOW TO REPORT



- Fax
1-801-715-3428



- Intake Hotline
1-800-371-7897

Monday - Friday
8:00 am to 5:00 pm



- Reports can be made 24/7 online. To submit a referral go to:

www.daas.utah.gov



Adult Protective Services

What APS Can Do:

- Perform protective needs assessments
- Coordinate with, or make referrals to, community resources and services
- Provide short-term, limited services to a vulnerable adult when family or community resources are not available to provide for the protective needs of the vulnerable adult

What APS Cannot Do:

- Enter an adult's home without consent
- Take custody of an adult
- Conduct welfare checks
- Provide any service without voluntary consent of the victim, unless court ordered
- Investigate if victim is deceased

APS Investigative Process

- ❑ If an accepted referral is *not* an emergency, the APS investigation is initiated within three working days.
 - If the referral is an emergency that may involve imminent harm, APS will immediately contact local law enforcement and initiate the investigation within one hour.
- ❑ The investigator gathers information to make determinations on each allegation of abuse, neglect or exploitation.
- ❑ The APS investigator will conduct **assessments of vulnerability and functional capacity** as it **relates to an allegation**.
- ❑ The investigator makes a determination on the case:
 - Without Merit, Inconclusive, Supported
- ❑ Findings are administrative, not criminal

APS Investigative Process

- ❑ Adult Protective Services shall respect the lifestyle that is **knowingly** and **voluntarily** chosen by the vulnerable adult.
- ❑ A vulnerable adult with capacity to consent has the right to self-determination.
- ❑ All services provided are voluntary unless court ordered.
- ❑ A vulnerable adult abuse case has many stages from the incident through **investigation, prosecution, and victim recovery.**

Utah APS Investigations FY23

APS investigated 4,087 cases of abuse, neglect, and exploitation of vulnerable adults.

- 59% female, 41% male
- 62% of allegations occurred in their own home
- 54% of alleged perpetrators were a family member or relative

Of those cases, 5,750 allegations were investigated, with the top three allegations being:

- 1523 Financial Exploitation
- 1176 Caretaker Neglect
- 1042 Emotional Abuse

Allegation Types

Utah Code 76-5-111

ABUSE

Physical
Emotional
Sexual
Unlawful Restraint
Deprivation of Treatment
Isolation

NEGLECT

Caretaker
Self-Neglect

EXPLOITATION

Financial
Criminal Activity
Sexual
Personal Dignity



Utah Department of
Health & Human Services
Aging & Adult Services

Financial Exploitation

UC 76-5-111.4

- **Key points:**
 - In a position of trust or confidence
 - Undue influence
 - Obtains or uses, or endeavors to obtain to use
 - For the benefit of someone other than the vulnerable adult
 - Knowing the vulnerable adult lacks capacity
 - Unjustly uses POA or guardianship
- **Penalties**
 - 2nd degree felony if exceeds \$5,000
 - 3rd degree felony if less than \$5,000
 - Class A misdemeanor if done recklessly
 - Class B misdemeanor if done with criminal negligence
- **Senate Bill 85**
 - Utah Code 75-2-807
 - Disinheritance following crimes against vulnerable adults

Understanding Financial Exploitation of Vulnerable Adults

Older adults targeted because:

- ❑ Established assets: home, pension, Social Security, 401k, etc.;
- ❑ Abusers follow the money: adults 50+ own **77% of all assets** in the United States;
- ❑ Poverty increases the risk of financial exploitation;
- ❑ Risk of exploitation is higher for socially and economically disadvantaged groups;
- ❑ More reliant on others for help with shopping, bill pay, etc.

Cost of Financial Exploitation



- Cost of elder financial exploitation in Utah is \$92 million year
- 1 in 44 cases of financial exploitation are reported
- Estimated cost to banks: \$1 billion per year

Non-Financial Costs

Effects of financial exploitation:

- 19% evicted from home
- 10% turned to Medicaid
- 3x more likely to die



Vulnerability

- ❑ Cognitive issues associated with **aging**;
- ❑ **Mild Cognitive Impairment (MCI)**: Doesn't interfere with daily life or function, but significantly impairs understanding financial concepts/ability to manage finances;
- ❑ Estimated that **15-20% of adults** over age 65 have MCI;
- ❑ Financial impairment is **earliest sign of cognitive decline**: someone functioning well overall may be impaired in this area.

Family Dynamics

1 in 20 older adults (60+) will be financially exploited in their lifetime by a family member. Family is most common abuser.

- ❑ Control finances by **threats**:
 - Move to nursing home/long-term care
 - Limit access to grandchildren/harm to pets
- ❑ Control by **promises**: Care for the vulnerable adult in exchange for control of finances
- ❑ Barriers to cooperation:
 - Reluctant to get family member in trouble
 - Concern about losing caregiver, forced to move from home
- ❑ Caretaker may feel **entitled** to funds/assets in exchange for care - abuse starts small and snowballs

Power Imbalance

- ❑ Victim may be dependent on abuser, **physically or emotionally**.
- ❑ Abuser may **isolate** the victim to increase this dependence, keeping family/friends away.
- ❑ Abuser may **hide victim's glasses/hearing aids** to prevent them from reading mail or talking on the phone.
- ❑ May take phone away or **forward mail**.
- ❑ Power imbalance between victim and abuser raises issue of **undue influence**.

Indicators of Financial Exploitation

- ❑ **Unusual charges** on credit/debit card, or unusual withdrawals from bank account
- ❑ ATM transactions for housebound victim
- ❑ Abuser is **financially dependent** on victim
- ❑ Bills are **unpaid**, utilities are **shut off**, or there is little food in the house
- ❑ Victim suddenly has **insufficient funds** to cover usual needs
- ❑ Victim doesn't understand finances or know what assets they have
- ❑ Property or valuables are **disappearing**

Indicators of Financial Exploitation Cont.

- ❑ **Recent change** in will, property ownership, power of attorney
- ❑ Victim has a **new best friend or love interest** helping with finances
- ❑ Child/grandchild **moves into** victim's home
- ❑ Other risk factors for financial exploitation:
 - Grief
 - Social isolation
 - Living with a large number of unrelated people



Utilization of Financial Exploitation Auditor

APS has an **in-house financial auditor** and contracts with a **forensic accounting firm**, which may be utilized by law enforcement when APS has an open case on the same matter.

- Analysis in complex cases with multiple accounts (including trust accounts), transactions, business entities, or properties
- Ability to track transfers of funds, including who was responsible for transaction
- Fraud detection
- Distinguish between expenses on behalf of victim versus expenses benefitting suspect
- Analyze budgetary issues and determine necessary expenses
- Advice regarding propriety of gift, loan, or property transfer
- Establish restitution amount

Top Scams Targeting Seniors

- Imposter Scam (IRS, SS, Medicare)
- Sweepstakes/Lottery Scams
- Grandparent Scam
- Affinity Fraud
- Funeral/Cemetery Scam
- Computer Tech Support Scam
- Telemarketers
- Romance Scam
- Investment Scam/Ponzi Scheme
- Counterfeit Prescription Drugs
- Health Insurance/Medicare Fraud
- Home Repair Fraud

Document Requests

Document Requests and Subpoenas (Utah Code 62A-3-303)

Interagency Guidance on Privacy Laws and Reporting Financial Abuse of Older Adults (2013):

“A financial institution may disclose nonpublic personal information to comply with federal, state, or local laws, rules and other applicable legal requirements, such as state laws that require reporting by financial institutions of suspected abuse. (15 U.S.C. 6802(e)(8) and implementing regulations at ____ .15(a)(7)(i)).”



Utah Department of
Health & Human Services
Aging & Adult Services

Gramm-Leach-Bliley Act (GLBA)

15 U.S.C. §6802

- ❑ APS is duly authorized pursuant to the Gramm-Leach-Bliley Act (GLBA) 15 U.S.C. §6802 to:
 - Obtain a customer's financial records because APS has authority to conduct civil investigations, which include reviewing records, in order to prevent actual or potential fraud, such as vulnerable adult financial exploitation.

H.B. 459

Financial Exploitation Prevention Act

Utah Code 7-26-101

- General Prevention of Financial Exploitation
Permitted delay of wire transfers
- Permitted Acts to Prevent Financial Exploitation of Vulnerable Adults
Permitted notifications
- Immunity

Immunity



Senior Safe Act: Provides immunity to eligible employees who have been trained on identifying and reporting financial exploitation against seniors, and who act in good faith and with reasonable care.

Financial Exploitation Prevention Act: Provides immunity for covered financial institutions and its employees who report suspected financial exploitation to APS, unless the report is made in bad faith. *UCA 7-26-401(2)*

Training



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[Home](#) > [Training & Events](#) > [All Online Training](#) > [Elder Financial Exploitation](#)

SELF-PACED TRAINING

Elder Financial Exploitation

An ABA Frontline Compliance Training Course – Free to ABA Members

AARP BANKSAFE TRAINING PLATFORM

A free, online training platform developed in collaboration with more than 2,000 industry professionals to help financial institution employees identify and stop suspected financial exploitation.



Utah Department of
Health & Human Services
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Reporting a Scam or Consumer Fraud

FBI Internet Crime Complaint Center (IC3)

[IC3.gov](https://www.ic3.gov)

Consumer Financial Protection Bureau

855-411-2372

[consumerfinances.gov](https://www.consumerfinances.gov)

Federal Trade Commission

877-ID-THEFT

[ftc.gov](https://www.ftc.gov)

**Utah Department of Consumer Protection
(Fraud)**

801-530-6601

**Utah Department of Securities
(Investments)**

801-530-6600

Utah Insurance Department

801-538-3800



Utah Department of

Health & Human Services

Aging & Adult Services

Resources

Department of Justice

- Senior friendly
- Staffed with case managers
- Victim focused



Financial Resources & Reporting

AARP Fraud Watch Network
(877) 908-3360; aarp.org

Money Smart for Older Adults
[fdic.gov/consumers/consumer/
moneysmart/olderadult.html](https://fdic.gov/consumers/consumer/moneysmart/olderadult.html)

National Council on Aging
ncoa.org

APS TARC (Technical Assistance
Resource Center)
apstarc.acl.gov/

Do Not Call Registry
donotcall.org

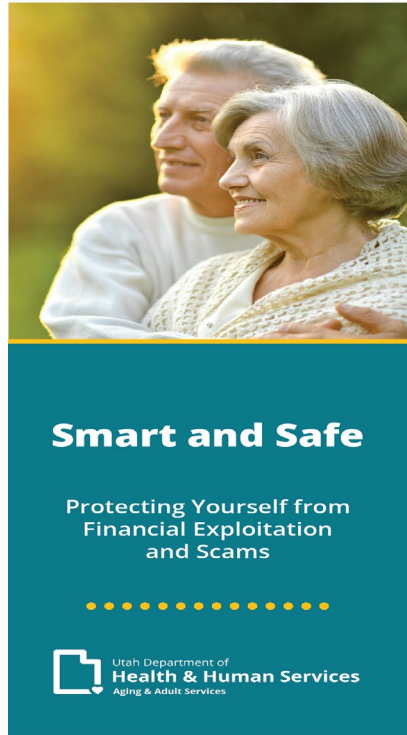
Social Security Administration (if benefits
misused/stolen)
(800) 269-0271

Veterans Affairs (if VA benefits
misused/stolen)
(888) 407-0144

Utah GRAMP (if conservator or guardian
involved)
(801) 578-3925

Resources – daas.utah.gov/protection

- Tips to Stay Safe
- Safe and Smart Brochure
- What is Financial Exploitation
- Reporting Scams



SIGNS OF FINANCIAL EXPLOITATION

courtesy of **Adult Protective Services**

What is financial exploitation?

Financial or material exploitation includes the misuse, mishandling or exploitation of property, possessions, or assets of vulnerable adults. Also includes using another's assets without consent, under false pretense, or through coercion and/or manipulation.

*Definitions of financial exploitation vary from jurisdiction to jurisdiction. Please contact your local APS office for additional information.





E-MDT Resources

Elder Justice Network Locator Map

- Locate and collaborate with elder justice networks/teams across the nation.
- Filter networks by state using the navigation tools, or search by a key word menu provided above the map
- justice.gov/elderjustice/elder-justice-network-locator-map

E-MDTs are **STRONGLY ENCOURAGED** to add their team to the map
Please send network name, type, address, web address, and email
to elder.justice@usdoj.gov

Resources for Working with Vulnerable Populations

- ❑ Division of Aging and Adult Services
801-538-4171 / daas.utah.gov
- ❑ Division of Services for People with Disabilities
801-538-4200 / dspd.utah.gov
- ❑ Division of Substance Abuse and Mental Health
801-539-3939 / dsamh.utah.gov
- ❑ Mobile Crisis Outreach Team (MCOT)
801-587-3000
- ❑ Suicide Prevention Lifeline - 988
1-800-273-TALK (8255) / suicidepreventionlifeline.org/
- ❑ Utah Domestic Violence Hotline
1-800-897-LINK (5465)

Community Resources

Area Agencies on Aging (statewide):

daas.utah.gov/locations-new/

- Meals on Wheels
- In-home Services
- Senior Transportation
- Caregiver Support
- Legal Services
- Refugee Assistance (SLCo)
- Utah Senior Health Insurance (SHIP)
- Senior Medicare Patrol
- Utah Senior Health Insurance

Alzheimer's Association:

(800) 272-3900 24 hours

(801) 265-1944 Utah Chapter

Family Justice Center (Salt Lake & Utah County):

(801) 537-8600 (SL) / (801) 851-8554 (UC)

Utah 211: 211utah.org

Utah Aging: utahaging.org



Utah Department of
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Let's all take part in a holistic approach to combat abuse of vulnerable adults!

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