

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



APS: Working Together with Multi-Jurisdictions



Utah Department of
Health & Human Services
Aging & Adult Services



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



Utah Department of
Health & Human Services
Aging & Adult Services

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)).”



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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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
Aging & Adult Services

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

Reference Sheet:

- When to report
- How to report
- Red flags that may indicate Financial Exploitation
- Good to Know

Reporting Suspected Financial Exploitation to Adult Protective Services

Utah Department of **human services**
ADULT PROTECTIVE SERVICES

When to Report

- ✓ Victim is **65 or older**; **OR**
- ✓ Victim is **18+ and vulnerable** due to a **physical or mental impairment** which affects the victim's ability to care for themselves or their finances; **AND**
- ✓ You **suspect financial exploitation** or other abuse/neglect.
- ✓ Utah law **requires** suspected exploitation to be reported to Adult Protective Services (APS) or law enforcement, and provides **immunity** to the reporter. UCA 62A-9-305; 7-26-401(2)
- ✗ APS **does not investigate scams or investment fraud**. Reports can be made to the Utah Department of Commerce at 800-721-SAFE.

How to Report

 **800-371-7897**
Monday - Friday
8 am to 5 pm

 daas.utah.gov
24/7

Red Flags That May Indicate Financial Exploitation

- ⊖ **Unusual or uncharacteristic transactions**, such as frequent large withdrawals or attempts to wire large sums;
- ⊖ Sudden **insufficient funds** activity or overdrafts;
- ⊖ Closing of CDs or accounts without regard to penalties;
- ⊖ Change of address;
- ⊖ **Gaps** in check numbers;
- ⊖ **Atypical use** of credit card, debit card, or ATM;
- ⊖ New joint account owner or **signer added to account**;
- ⊖ Someone **speaks for** the client, or is excessively interested in the client's finances;
- ⊖ The client seems **fearful or subsmissiveness** to a caregiver;
- ⊖ The financial institution is unable to **speak directly** with the client;
- ⊖ A new caretaker, relative, or friend begins conducting transactions on behalf of the client;
- ⊖ **Sudden change** of a power of attorney.

Good to Know

- The identity of someone who makes a report to APS is **confidential**
- APS may **subpoena** financial records in some cases
- APS investigators must **protect the victim's privacy**, and may not be able to disclose information about the case, including to the reporter

Resources – daas.utah.gov/protection

Financial Exploitation

- Know the Warning Signs
- Protect Yourself
- Reporting Financial Abuse
- Videos
- Brochures

PROTECT YOURSELF FROM FINANCIAL EXPLOITATION



Know the Warning Signs

- Unusual charges on your credit or debit card
- Unusual withdrawals or deposits from your bank or brokerage account
- ATM transactions you do not recognize
- Bills are unpaid or your utilities are shut off
- Property or valuables are disappearing
- Someone asks you to sign things you have not read or do not understand
- Someone threatens to move you to a long-term care facility
- Someone is suddenly interested in your finances and wants to help manage them
- Someone is using your money for their benefit

Protect Yourself

- Beware of adding someone to a joint account: A joint account owner can spend or withdraw the funds in the account without your permission. You are also exposed to the joint owner's creditors.
- Never sign documents you haven't read or don't understand
- Monitor your bank, brokerage, and credit card statements
- Set boundaries with children and grandchildren: It is natural to want to help your children and grandchildren, but make sure that you are prepared financially for the future before helping others.
- Protect your debit, credit card, and PIN: do not share it with others
- Consider a power of attorney or trust to protect yourself
- Communicate regularly with friends and family: Stay involved in your community.

Reporting Financial Abuse

Contact Adult Protective Services or your local police if you suspect financial exploitation. To report:



800-371-7897



www.daas.utah.gov

Social Security (if SS benefits stolen):
1-800-269-0271

Veterans Affairs (if VA benefits stolen):
1-888-407-0144

Utah Courts Self-help Center (if you have a conservator or guardian):
1-888-683-0009 (self-help center)
1-801-238-7030 (Court Visitor Program)

Utah Department of
human services
AGING AND ADULT SERVICES

Resources – daas.utah.gov/protection

- Tips to Stay Safe
- Additional Resources
- Reporting a Scam

COMMON SCAMS TARGETING UTAHNS



Romance Scam

Online relationship that progresses quickly, usually with someone living abroad. Eventually, the scammer will request money for a medical or family emergency, or funds to visit you. If it happens to you:

- Do not send money. Someone who truly loves you will not ask for money.
- Do a reverse image search of photos to verify their identity.
- Stop communicating with the person immediately.

Home Repair Fraud

Beware of someone who knocks on your door, offering to do home repairs, tree trimming, or other work. Good contractors generally do not get work this way. If it happens to you:

- Check their references. Get a written contract to review.
- Get a bid in writing and compare it with bids from other contractors.
- Do not pay upfront. Make sure the work is done to your satisfaction before making the final payment.

Affinity Fraud/Investment Scam

This type of investment scam happens when a member of a group, often a religious or ethnic community, uses their influence to convince members to purchase fraudulent investments. They are often trusted, financially successful members of the community. If it happens to you:

- Research the investment on your own. Don't take someone's word for it, even if you know and trust them.
- Get everything in writing.
- Do not invest in anything that guarantees returns, or is supposedly risk-free. These are signs of fraud.
- Don't be rushed into making a decision.
- If it sounds too good to be true, it probably is.

Sweepstakes Scam and Lottery Scam

Scammers call or send a letter that you have won a lottery, often in a foreign country such as Jamaica or Canada. The scammer tells you that you need to pay taxes or a fee to collect your winnings. Legitimate sweepstakes do not require payment of a fee or taxes.

Utah Department of
human services
ADULT AND SENIOR SERVICES



Tips to Stay Safe

Never trust caller ID.

Don't share personal information with an unsolicited caller.

Be skeptical. Verify a caller's claims yourself.

Don't be rushed into a decision. Talk it over with someone you trust.



For more information:

AARP Fraud Watch:
877-908-3360
aarp.org

National Council on Aging:
ncoa.org

Federal Trade Commission:
ftc.gov/tips-advice
877-ID-THEFT

Do Not Call Registry:
donotcall.gov

IRS/Medicare/Social Security Impostor Scam

Scammer pretends to represent government agency, and may "spoof" their caller ID to make it appear like a legitimate call. Remember:

- The IRS does not demand immediate payment or threaten to arrest you.
- The IRS will not ask for a credit card or accept payment through gift cards.
- Social Security numbers do not get suspended and there is no fee for a Social Security Card. If someone tells you otherwise, they are a scammer.
- Do not give out your Medicare number to an unsolicited caller.

Grandparent Scam

Scammer pretends to be a grandchild/loved one who urgently needs money for an emergency, and may say they are in jail or in the hospital. The caller will beg you not to alert other family members. Scammer may pose as a police officer, lawyer, or doctor. They request money as soon as possible, usually through gift cards or a wire transfer. If it happens to you:

Resist the urge to act immediately. Ask for information only your grandchild will know the answer to.
Call your grandchild or other family member to confirm their whereabouts.
Call the hospital or police department they say they are at, using a number from the phone book or internet. Do not call a number they give you.

Unsolicited Phone Calls

Caller may claim that you have unpaid debts or that your credit card has been compromised. Frequently they are calling from spoofed numbers. If you receive these:

- Hang up. Do not engage with the caller or press buttons.
- Don't answer calls from numbers you don't recognize.
- Verify the claims. If they tell you your credit card has been compromised, call your credit card company from the number on your statement. Do not call the number they give you.

Computer Tech Support Scam

Scammers claim that your computer has been infected with a virus or that your IP address has been hijacked, either by phone call, email, or pop-up message on your computer. Scammer may state they work for a major tech company, such as Apple or Microsoft, and request payment. Alternatively, the scammer may use malware to lock your computer and ask for a ransom to unlock it. If it happens to you:

- Do not give payment information or control of your computer. Never send gift cards as payment.
- Do not click on pop-up ads or call the number listed on them.



For advice on whether something is a scam, or to report a scam, contact:

National Elder Fraud Hotline:
833-FRAUD-11 (877-8311)

Utah Department of Commerce:
800-721-SAFE (SAFE)
www.dcp.utah.gov

For more information on scams and frauds, contact:

AARP Fraud Watch:
877-908-3360
aarp.org

National Council on Aging:
ncoa.org

Federal Trade Commission
identitytheft.gov

Utah Department of
human services
ADULT AND SENIOR SERVICES



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
Health & Human Services
Aging & Adult Services

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

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