



**Special Task Force to Study  
Elderly Abuse and  
Financial Exploitation**

**Findings and Recommendations**

Submitted to the  
Rhode Island Senate

June 28, 2019



## ACKNOWLEDGMENTS

The Special Task Force to Study Elderly Abuse and Financial Exploitation expresses its appreciation to the Senate staff, especially Molly McCloskey and Jacob Bissaillon, for their hard work and assistance in all aspects of the Task Force's meetings and the preparation of this report.

Chair Coyne, Secretary Cano, and the Rhode Island Senate would like to thank the many experts who shared their insight, research, and advice during the Task Force hearing process, including: Rose Amoros Jones, Corporal Anthony Commendatore, Meghan Connelly, Diane Daigle, John DiTomasso, Theresa C. Donovan, Mickaela Driscoll, Jeanne Gattegno, Mark Heffner, Kathleen Heren, Molly Kapstein Cote, Mary Ladd, Lieutenant Governor Daniel J. McKee, Cortney Nicolato, Diana H. Noel, Stephen Ormerod, Randall Sacilotto, Detective Kyle Shibley, Francis Sullivan, Lori Tellier, Dr. Lidia Vognar, and Jared B. Wilbur.

The Task Force further thanks the members of the public who shared their experiences on this topic and the ways that elder abuse and financial exploitation impact older adults.

As Chair of the Task Force, I also extend my gratitude to my Senate colleagues and our Senate leadership for supporting the formation of the Special Task Force to Study Elderly Abuse and Financial Exploitation and its mission.



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Senator Cynthia A. Coyne  
Chairperson of the Special Task Force to Study Elderly Abuse and Financial Exploitation  
District 32  
Barrington, Bristol, East Providence



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# **SPECIAL TASK FORCE TO STUDY ELDERLY ABUSE AND FINANCIAL EXPLOITATION**

## **Members**

**Senator Cynthia A. Coyne**  
*Chairperson of the Task Force*

**Senator Sandra Cano**  
*Secretary of the Task Force*

**John DiTomasso**  
*Associate State Director, AARP-Rhode Island*

**Jeanne Gattegno**  
*Director, Saint Elizabeth Haven for Elder Justice*

**Mark B. Heffner, Esq.**  
*Certified Elder Law Attorney, Heffner & Associates*

**Kathleen Heren**  
*State Long Term Care Ombudsman*

**Molly Kapstein Cote**  
*Special Assistant Attorney General, Office of the Attorney General*

**Mary Ladd**  
*Chief Program Development, Rhode Island Division of Elderly Affairs*

**Detective Kyle Shibley**  
*Rhode Island State Police*



# State of Rhode Island and Providence Plantations



## Senate Chamber

The Honorable Dominick J. Ruggiero  
President of the Rhode Island Senate  
State House  
Providence, RI 02903

Dear President Ruggiero:

We are pleased to submit the Final Report of the Special Task Force to Study Elderly Abuse and Financial Exploitation. The Report, as well as its findings and recommendations, draws on the input of Task Force members and a wide array of experts who testified before the Task Force. Through the hearing process, we gained a broad understanding on the growing problem of elder abuse and financial exploitation. We would like to express our gratitude to all members of the Task Force for their willingness to take part in these discussions, and we appreciate the investment of time and talent that they graciously provided.

This report is the culmination of the hearings and discussions that began in December of 2018 and ended in June of 2019. The recommendations therein include methods to address the increased prevalence of elder abuse and financial exploitation; the underreporting of such crimes; the reality that seniors are particularly vulnerable to financial exploitation; the need for additional monitoring within Rhode Island's guardianship program; and, the fact that education, training, and resources are key components for preventing and mitigating elder abuse and financial exploitation. Every recommendation is evidence based and supported by testimony from experts, including members of law enforcement, the medical profession, financial institutions, senior advocates, and state employees who work with seniors.

The Senate Task Force offers these findings and recommendations with full confidence that Rhode Island can take action to improve the lives of older adults at risk of abuse and financial exploitation. This work represents a long-term commitment by the Rhode Island Senate to protect our seniors and improve their quality of life.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Cynthia A. Coyne".

Senator Cynthia A. Coyne  
Chairperson of the Special Task Force to Study Elderly Abuse and Financial Exploitation  
District 32  
Barrington, Bristol, East Providence



# EXECUTIVE SUMMARY

The Rhode Island Senate has consistently recognized the importance of the state's older adult population to the overall health of our state, and the Senate has diligently worked to protect Rhode Island's older adults. In 2017, the AARP conducted a survey of Rhode Island members. Members identified elder abuse and financial exploitation as their top concern. AARP Rhode Island requested the creation of the Special Task Force to Study Elderly Abuse and Financial Exploitation to study this issue.

On June 22, 2018, Senate Resolution Number 3001 was read and passed by the Rhode Island Senate, creating a Special Task Force to Study Elderly Abuse and Financial Exploitation. The Task Force was asked to study "the prevalence and impact of elder abuse and exploitation in Rhode Island and to make recommendations on policies and legislation to effectively address the issues impacting seniors and other vulnerable adults."

The Task Force consists of the following nine members: two members of the Rhode Island Senate; one member of the public with significant experience in elder law; one representative from an agency that works directly with victims of elder abuse and/or financial exploitation; one member of law enforcement; the Lieutenant Governor, or designee; one member with significant experience working on issues related to elder abuse and/or financial exploitation, appointed by the Attorney General; the Director of the Division of Elderly Affairs, or designee; and the State Director of the AARP-RI, or designee.

The Task Force convened for the first time on December 12, 2018, electing Senator Cynthia A. Coyne (District 32 – Barrington, Bristol, East Providence) as Chairperson and Senator Sandra Cano (District 8 – Pawtucket) as Secretary. The Task Force continued to meet six more times throughout the 2019 legislative session (January 23; February 6; March 6; March 20; April 10; and June 28). The Task Force is charged with reporting findings and recommendations to the Senate. This document serves as that report.

The Task Force identified the following findings and suggested recommendations:

## **Finding 1: Elder abuse and financial exploitation is prevalent and on the rise**

- **Recommendations:**

- Support existing collaborative working groups.
- Support comprehensive outreach and education efforts that specifically focus on seniors and those who interact with seniors.
- Involve community-based organizations that work in underserved communities to provide culturally appropriate education about the prevalence of elder abuse and efforts to prevent it.

## **Finding 2: Elder abuse is underreported**

- **Recommendations:**

- Support outreach and education efforts that train and educate all individuals to recognize the signs of elder abuse and how to report it.

- Work to dispel stigma and embarrassment that may be associated with elder abuse by sharing statistics, stories, and experiences. Emphasize that those who are experiencing abuse are not alone.
- Better educate the public that Rhode Island is a state that requires all individuals to report suspected elder abuse.
- Support elder abuse training for health care professionals.
- Support simplification of elder abuse reporting protocols and include the victim’s doctor in any follow-up.
- Support the creation and dissemination of medical examination protocols that follow evidence-based models similar to those used in child abuse and domestic violence cases.
- Work with physicians to understand underlying reasons for the underreporting of elder abuse and develop systems that make it easier to report incidents of abuse.

**Finding 3: Seniors are particularly vulnerable to financial exploitation – The problem is widespread and growing quickly**

- **Recommendations:**

- Support training and education of seniors and those close to them about ways to prevent financial exploitation and how to identify the signs that someone is being exploited.
- Consider mandating training in Rhode Island statute for any institution, organization, agency, or facility that employs individuals to care for persons sixty years of age or older, similar to how such training is required in Connecticut.
- Examine laws in other states, such as Delaware, that allow for financial institutions to place holds on bank accounts when they identify suspicious account transactions.
- Explore ways to “close the reporting loop,” so that an agency investigating potential abuse reports back to the financial institution that reported the suspected abuse.
- To be consistent, change the definition of an “elderly person” within existing Rhode Island General Laws so that all definitions align with the “Elderly Affairs Department” statute (§ 42-66-4.1), which defines an “elderly person” as a person 60 years of age or older.
  - One example of this can be found in the “Exploitation of Elders” statute (§ 11-68-1), which needs to be changed from a person 65 years of age or older to a person 60 years of age or older.

**Finding 4: Increased monitoring, data collection, and education within Rhode Island’s guardianship program is needed**

- **Recommendations:**

- Collect and review data from 39 municipal probate courts to survey the status of the guardianship program in Rhode Island and to assess if any further recommendations are needed with regard to monitoring.
  - The Task Force to Study Elderly Abuse and Financial Exploitation sent out a survey to each probate court in Rhode Island on May 31, 2019.
- Require national background checks of all guardian applicants.
  - Senate Bill No. 845, sponsored by Senator Coyne, was introduced to the Rhode Island Senate Committee on Judiciary on April 30, 2019. The

legislation requires all guardian applicants to undergo a national criminal background check.

- Support the uniform dissemination of instructional materials, training, education, and resources for guardians.
- Explore potential federal grant opportunities to fund increased monitoring, data collection, and education within Rhode Island’s guardianship program.

**Finding 5: Cohesive and collaborative education, training, and resources are key components to preventing and mitigating elder abuse and financial exploitation**

**• Recommendations:**

- Support Saint Elizabeth Haven for Elder Justice in executing the Enhanced Training and Services to End Abuse in Later Life grant program.
  - Support sustainability of the program.
- Support the Division of Elderly Affairs in strengthening services and supports available through The POINT, Rhode Island’s call- and walk-in resource center for older Rhode Islanders and adults with disabilities.
  - All seniors across the state should have access to the same services, information, and resources.

As a result of this Task Force, Senator Coyne introduced two pieces of legislation during the 2019 Legislative Session. The first, Senate Bill No. 603, was introduced on behalf of the Division of Elderly Affairs and aims to strengthen elder abuse reporting. Among other requirements, the bill outlines detailed information that must be submitted to the Division when an individual is reporting elder abuse. The bill passed the Senate and awaits consideration in the House. The second piece of legislation, Senate Bill No. 845, would require that any person seeking appointment as a guardian would undergo a national criminal background check. This bill has passed the Senate and the House and awaits the Governor’s signature.

Furthermore, the Task Force would like to recognize legislation introduced during the 2019 Legislative Session that aligns with our priorities. The following bills remained pending before the General Assembly at the time this report was printed. Senate Bill No. 31, sponsored by Senator Adam J. Satchell, would establish the “Supported Decision-Making Act” as a less restrictive alternative to guardianship. Senate Bill No. 433, sponsored by Senator Valarie J. Lawson, would create the “Senior Savings Protection Act” to protect seniors and adults with disabilities from financial exploitation. Senate Bill No. 499, sponsored by Senator Frank S. Lombardi, would create the “Peter Falk Criminal Isolation of Elders Act” to make any person convicted of abuse or isolation of an elder or dependent adult a felony.

Any additional recommendations that can be accomplished through legislation will be addressed prior to the expiration of the Task Force.

# TIMELINE

## **December 12, 2018**

Met for organizational and introductory purposes.

*Presentations* by John DiTomasso, Associate State Director, AARP-Rhode Island; Jeanne Gattegno, Director, Saint Elizabeth Haven for Elder Justice; and Diane Daigle, Special Assistant Attorney General, Chief of the Elder Abuse Unit.

## **January 23, 2019**

Met on the topic of elder abuse.

*Presentations* by Lidia Vognar, MD, MHS, Assistant Professor of Geriatric Medicine, Brown University; Mary Ladd, Chief Program Development, R.I. Division of Elderly Affairs; and Molly Kapstein Cote, Special Assistant Attorney General, Office of the Attorney General.

## **February 6, 2019**

Met on the topic of financial exploitation.

*Presentations* by Corporal Anthony Commendatore and Investigator Lori Tellier, Financial Crimes Unit, Rhode Island State Police; Randall Sacilotto, Vice President of Community Development, and Stephen Ormerod, Vice President of Security, Navigant Credit Union; and Jared B. Wilbur, Vice President, Corporate Security Governance Officer, The Washington Trust Company.

## **March 6, 2019**

Met on the topic of adult guardianships.

*Presentations* by Diana H. Noel, Senior Legislative Representative, AARP; Mark B. Heffner, Esq., Certified Elder Law Attorney, Heffner & Associates; and Theresa C. Donovan, CMC, Town Clerk, Narragansett.

## **March 20, 2019**

Met on the topic of education, training, and resources.

*Presentations* by Jeanne Gattegno, Director, Saint Elizabeth Haven for Elder Justice; Rose Amoros Jones, Director, Division of Elderly Affairs; Meghan Connelly, Director of Public Affairs, Division of Elderly Affairs; and Cortney Nicolato, President & CEO, United Way of RI.

## **April 10, 2019**

Met to hear updates from Chairperson Coyne and for an opportunity for public comment.

## **June 28, 2019**

Met to review findings and recommendations of the Task Force thus far.

# INTRODUCTION

Elder abuse and financial exploitation is a growing problem in the United States. The number of Americans age 65 and older is projected to more than double by 2060.<sup>1</sup> The National Council on Aging reports that approximately 1 in 10 Americans age 60 and older have experienced some form of elder abuse.<sup>2</sup> Elder abuse negatively affects health outcomes of seniors. The risk of premature death triples for abused seniors, when compared with seniors who do not experience abuse.<sup>3</sup> Victims of elder abuse are four times more likely to be admitted to a nursing home and three times more likely to be admitted to a hospital.<sup>4</sup> Elder abuse not only has negative mental, emotional, and physical health impacts on vulnerable citizens but also has negative economic impacts. Such abuse is estimated to contribute more than \$5.3 billion to the annual health care expenditures in the United States.<sup>5</sup>

This nationwide problem exists in Rhode Island, where 17% of the current population is older adults and where nearly one quarter of the state's population will be over the age of 65 in about a decade.<sup>6,7</sup> The Rhode Island Division of Elderly Affairs reported 1,377 confirmed cases of elder abuse in 2017, which is 444 cases more than only five years prior.<sup>8</sup> These numbers only account for confirmed cases of abuse found by the Division. Studies show that elder abuse and financial exploitation is grossly underreported.

In 2018, the Rhode Island Senate created the Special Task Force to Study Elderly Abuse and Financial Exploitation to examine this growing issue and to make recommendations on how to better prevent, detect, and address elder abuse and financial exploitation. The Task Force met seven times between December 2018 and June 2019. Each meeting had a targeted focus and included presentations from a diverse group of professionals: The first meeting, held on December 12, 2018, was organizational and introductory; the second meeting, on January 23, 2019, focused on elder abuse; the third meeting, on February 6, focused on financial exploitation; the fourth meeting, on March 6, focused on adult guardianships; the fifth meeting, on March 20, focused on education, training, and resources; the sixth meeting, on April 10, included updates from Chairperson Coyne and an opportunity for public comment; and the seventh meeting, on June 28, was to review the findings and recommendations of the Task Force thus far. Senate Resolution No. 627, read and passed by the Rhode Island Senate on March 19, 2019, extends the Task Force through December 31, 2019.

This document memorializes the Task Force hearing process and outlines the findings and recommendations that arose from all of the expert testimony and public input the Task Force received. During each meeting, Chairperson Coyne encouraged the public to submit testimony.

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<sup>1</sup> Population Reference Bureau, "Fact Sheet: Aging in the United States," <https://www.prb.org/aging-unitedstates-fact-sheet/>.

<sup>2</sup> National Council on Aging, "Elder Abuse Facts," <https://www.ncoa.org/public-policy-action/elder-justice/elder-abuse-facts/>.

<sup>3</sup> United States Department of Justice, The United States Attorney's Office: Northern District of West Virginia, "Elder Justice," <https://www.justice.gov/usao-ndwv/programs/elder-justice>.

<sup>4</sup> *Ibid.*

<sup>5</sup> Lidia Vognar, MD: PowerPoint presentation on January 23, 2019, slide 6.

<sup>6</sup> Rhode Island Division of Elderly Affairs: Presentation on March 20, 2019, page 2.

<sup>7</sup> Substance Abuse and Mental Health Services Administration, in partnership with the U.S. Administration on Aging, "Rhode Island: Policy Academy State Profile." <https://acl.gov/sites/default/files/programs/2016-11/Rhode%20Island%20Epi%20Profile%20Final.pdf>.

<sup>8</sup> Rhode Island Division of Elderly Affairs, "Rhode Island Annual Report on Elder Abuse for 2017," page 5, <http://www.rilin.state.ri.us/commissions/eafe/commdocs/Elder%20Abuse%20Report%20for%20Calendar%20Year%202017.pdf>.

The Task Force continues to encourage that any written testimony be submitted to Molly McCloskey, Senate Policy, [mmccloskey@rilegislature.gov](mailto:mmccloskey@rilegislature.gov).

All Task Force meetings may be viewed online by searching the “Video on Demand” section of the “Capitol TV” tab of the Rhode Island General Assembly website. Begin the search here: <http://www.rilegislature.gov/CapTV/Pages/default.aspx>

# FINDINGS AND RECOMMENDATIONS

## **Finding 1: Elder abuse and financial exploitation is prevalent and on the rise**

On December 12, 2018, The Special Task Force to Study Elderly Abuse and Financial Exploitation convened for the first time. The meeting's purpose was to elect a Task Force Chairperson and Secretary, to introduce the Task Force members, and to frame the topic of elder abuse. Presenters included: John DiTomasso, Associate State Director, AARP-Rhode Island; Jeanne Gattegno, Director, Saint Elizabeth Haven for Elder Justice; and Diane Daigle, Special Assistant Attorney General, Chief of the Elder Abuse Unit. Senator Cynthia A. Coyne was elected Chairperson, and Senator Sandra Cano was elected Secretary.

Elder Abuse and financial exploitation is a major problem across the country, and as the baby-boom generation ages, the problem is anticipated to grow. Nationwide, the number of Americans age 65 and older is projected to more than double by 2060.<sup>9</sup> It has been estimated that 1 in 10 Americans over age 60 has experienced elder abuse.<sup>10</sup> Elder abuse negatively affects health outcomes of victims. The risk of premature death triples for abused seniors, when compared with seniors who do not experience abuse.<sup>11</sup> Elder abuse not only has negative emotional and physical effects on victims and their loved ones but also is costly to the U.S. economy. Such abuse is estimated to contribute more than \$5.3 billion to the annual health care expenditures in the United States.<sup>12</sup>

Rhode Island has the nation's highest percentage of individuals who are age 85 and older. Seventeen percent of the population in Rhode Island is made up of older adults, defined as those 65 and older, compared with 13% of the population annually.<sup>13</sup> In about a decade, nearly one quarter of the state's population is estimated to be over 65 years old.<sup>14</sup> Much like the nationwide trend, the prevalence of elder abuse is expected to increase in Rhode Island.

Elder abuse is defined in the Rhode Island General Laws as "physical abuse, sexual abuse, and/or emotional abuse of an elderly person by a caregiver" (§ 42-66-4.1 (1)).<sup>15</sup> An elderly person is "any person 60 years of age or older" (§ 42-66-4.1 (8)).<sup>16</sup>

Task Force member Mary Ladd informed the Task Force that the Rhode Island Division of Elderly Affairs (DEA) is the state agency appointed to investigate complaints of elder abuse and exploitation by a family member, caregiver, or person with a duty to care for the elder. DEA includes the Adult Protective Service Unit (APS). In 2017, the Division reported 1,377 confirmed

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<sup>9</sup> Population Reference Bureau, "Fact Sheet: Aging in the United States," <https://www.prb.org/aging-unitedstates-fact-sheet/>.

<sup>10</sup> National Council on Aging, "Elder Abuse Facts," <https://www.ncoa.org/public-policy-action/elder-justice/elder-abuse-facts/>.

<sup>11</sup> United States Department of Justice, The United States Attorney's Office: Northern District of West Virginia, "Elder Justice," <https://www.justice.gov/usao-ndwv/programs/elder-justice>.

<sup>12</sup> Lidia Vognar, MD: PowerPoint presentation on January 23, 2019, slide 6.

<sup>13</sup> Rhode Island Division of Elderly Affairs: Presentation on March 20, 2019, slide 2.

<sup>14</sup> Substance Abuse and Mental Health Services Administration, in partnership with the U.S. Administration on Aging, "Rhode Island: Policy Academy State Profile," <https://acl.gov/sites/default/files/programs/2016-11/Rhode%20Island%20Epi%20Profile%20Final.pdf>

<sup>15</sup> State of Rhode Island General Laws, § 42-66-4.1, <http://webserver.rilin.state.ri.us/Statutes/TITLE42/42-66/42-66-4.1.HTM>.

<sup>16</sup> *Ibid.*

cases of elder abuse, an increase from 933 in 2012.<sup>17</sup> These numbers only account for confirmed cases found by the Division. It is suspected that countless incidents of abuse and financial exploitation go unreported or are underreported.

Ms. Ladd also informed the Task Force that DEA is charged with investigating reports of self-neglect, which is defined under Rhode Island General law as a “... pattern of behavior in an elderly person that directly, imminently and significantly threatens his/her own health and/or safety. Self-neglect includes, but is not limited to, an inability or an incapacity to provide self with food, water, shelter, or safety to the point of establishing imminent risk of any of the harm(s) described in the immediately preceding sentence” (§ 42-66-4.1 (6)).<sup>18</sup> In 2017, the Division confirmed 1,362 cases of self-neglect.

Many Task Force members and presenters confirmed that in their professional experience elder abuse is, indeed, on the rise in Rhode Island. They also confirmed that it is widespread and can happen to anyone. Throughout the Task Force meetings, participants shared many real-life examples of elder abuse cases that they have worked on. Some of these cases end positively, and some end tragically. A common theme in cases that ended positively for a victim is collaboration. When a collaborative team of people work to assist an individual being abused, positive outcomes are more likely.

The Office of Attorney General recently established the RI Multidisciplinary Committee (MDT), which includes professionals from diverse disciplines who work together to review cases of elder abuse and to address systemic difficulties. Information disseminated at the MDT, and references to the committee, came up throughout Task Force meetings. Many Task Force members and participants are involved in the MDT.

Unanimously, those who participated in the Task Force recommended collaboration, training, outreach, and education as the most effective ways to mitigate elder abuse in Rhode Island. Most Task Force participants have engaged in some kind of outreach and education activities. However, these outreach efforts are often in addition to full-time jobs that involve other demands. There is a need for a more collaborative and comprehensive statewide outreach and education plan.

- **Recommendations:**

- Support existing collaborative working groups.
- Support comprehensive outreach and education efforts that specifically focus on seniors and those who interact with seniors.
- Involve community-based organizations that work in underserved communities to provide culturally appropriate education about the prevalence of elder abuse and efforts to prevent it.

## **Finding 2: Elder abuse is underreported**

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<sup>17</sup> Rhode Island Division of Elderly Affairs, “Rhode Island Annual Report on Elder Abuse for 2017,” page 5, <http://www.rilin.state.ri.us/commissions/eafe/commdocs/Elder%20Abuse%20Report%20for%20Calendar%20Year%202017.pdf>.

<sup>18</sup> State of Rhode Island General Laws, § 42-66-4.1, <http://webservice.rilin.state.ri.us/Statutes/TITLE42/42-66/42-66-4.1.HTM>.

On January 23, 2019, The Special Task Force to Study Elderly Abuse and Financial Exploitation convened to focus on the topic of elder abuse. Presenters included: Lidia Vognar, MD, MHS, Assistant Professor of Geriatric Medicine, Brown University; Mary Ladd, Chief Program Development, R.I. Division of Elderly Affairs; and Molly Kapstein Cote, Special Assistant Attorney General, Office of the Attorney General.

*“ ... Elder abuse is known as the silent epidemic. It’s silent because it happens most often in a person’s home and elders do not report. Elders do not tell. And those of us who are watching from the outside may not recognize the signs, may not recognize what’s happening to an elder, and may not know what to do about it.”*

Task Force member Jeanne Gattegno (Saint Elizabeth Haven for Elder Justice) made the above statement to The Special Task Force to Study Elderly Abuse and Financial Exploitation, highlighting the fact that elder abuse is underreported.

Studies show that elder abuse is underreported. Molly Kapstein Cote testified that only 1 in every 23 cases is reported to Adult Protective Services. The World Health Organization has similar statistics, reporting that only 1 in 24 cases of elder abuse is reported. This low reporting rate is partially attributed to older people being afraid to report cases of abuse.<sup>19</sup> Many Task Force members testified that older adults are often embarrassed or scared to admit that they are victims of elder abuse. Perpetrators who abuse older adults often have close personal relationships with their abuse victims. Abused seniors may be in denial that they are being abused or fearful that they might get a loved one, who in some circumstances is the abuser, into trouble.

In Rhode Island, it is mandatory to report elder abuse, neglect, exploitation, and self-neglect. Any person who has a reasonable cause to believe that a senior is being abused has a duty to report under Rhode Island General Law, § 42-66-8.<sup>20</sup> Reports of suspected abuse should be made to the Division of Elderly Affairs or to law enforcement.

Dr. Lidia Vognar, geriatrician, reported to the Task Force that physicians are responsible for submitting only 1.0% of elder abuse reports. Dr. Vognar attributed this low reporting rate to doctors having a lack of sufficient knowledge around the definition of elder abuse, types of elder abuse, risk factors, signs and symptoms, and the reporting process.

Lack of elder abuse screening protocols was identified as a major barrier to health care professionals playing a more critical role in reporting and combatting elder abuse. Molly Kapstein Cote agreed with Dr. Vognar that medical protocols to handle suspected elder abuse cases should be modeled off of evidence-based protocols, much like those used in child abuse and domestic violence cases.

- **Recommendations:**

- Support outreach and education efforts that train and educate all individuals to recognize the signs of elder abuse and how to report it.

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<sup>19</sup> World Health Organization, “Elder Abuse,” <https://www.who.int/news-room/fact-sheets/detail/elder-abuse>.

<sup>20</sup> State of Rhode Island General Laws, § 42-66-8, <http://webserver.rilin.state.ri.us/Statutes/TITLE42/42-66/42-66-8.HTM>.

- Work to dispel stigma and embarrassment that may be associated with elder abuse by sharing statistics, stories, and experiences. Emphasize that those who are experiencing abuse are not alone.
- Better educate the public that Rhode Island is a state that requires all individuals to report suspected elder abuse.
- Support elder abuse training for health care professionals.
- Support simplification of elder abuse reporting protocols and include the victim's doctor in any follow-up.
- Support the creation and dissemination of medical examination protocols that follow evidence-based models similar to those used in child abuse and domestic violence cases.
- Work with physicians to understand underlying reasons for the underreporting of elder abuse and develop systems that make it easier to report incidents of abuse.

**Finding 3: Seniors are particularly vulnerable to financial exploitation – The problem is widespread and growing quickly**

On February 6, 2019, The Special Task Force to Study Elderly Abuse and Financial Exploitation convened to focus specifically on the topic of financial exploitation. Presentations about financial exploitation were given to the Task Force by Corporal Anthony Commendatore and Investigator Lori Tellier, Financial Crimes Unit, Rhode Island State Police; Randall Sacilotto, Vice President of Community Development, and Stephen Ormerod, Vice President of Security, Navigant Credit Union; and Jared B. Wilbur, Vice President, Corporate Security Governance Officer, The Washington Trust Company. All of the presenters indicated that financial exploitation of seniors is extremely prevalent and on the rise.

Exploitation is defined in the Rhode Island General Laws as:

“the fraudulent or otherwise illegal, unauthorized or improper act or process of an individual, including, but not limited to, a caregiver or fiduciary, that uses the resources of an elder for monetary or personal benefit, profit, gain, or that results in depriving an elder of rightful access to, or use of, benefits, resources, belongings, or assets by use of undue influence, harassment, duress, deception, false representation or false pretenses.” (§ 42-66-4.1 (2)).<sup>21</sup>

Older adults are vulnerable to financial exploitation for a myriad of reasons. Health-related factors associated with aging, such as cognitive impairment, poor physical health, functional impairment, and dependency on others, make older adults particularly vulnerable.<sup>22</sup> Financial trends are also a factor. Wealth and assets that seniors have accumulated, or are perceived to have accumulated, over their lifetimes can make them a target of financial exploitation.<sup>23</sup> Additionally, technology that allows for electronic money transfers is a new factor contributing to the increase and severity of financial exploitation. Due to these vulnerability factors and the expected increase of the older adult population, financial exploitation is on the rise.

<sup>21</sup> State of Rhode Island General Laws, § 42-66-4.1, <http://webserver.rilin.state.ri.us/Statutes/TITLE42/42-66/42-66-4.1.HTM>

<sup>22</sup> Deane, Stephen. Elder Financial Exploitation: Why it is a concern, what regulators are doing about it, and looking ahead, *U.S. SECURITIES AND EXCHANGE COMMISSION: Office of the Investor Advocate* (2018): Page 5. <https://www.sec.gov/files/elder-financial-exploitation.pdf>.

<sup>23</sup> *Ibid.*

In 2018, U.S. banks reported a record 24,454 suspected cases of elder financial abuse to the United States Department of the Treasury, which has more than doubled in five years.<sup>24</sup> One in four elders who are the subject of a fraud attempt will become a fraud victim.<sup>25</sup> Much like other forms of elder abuse, financial exploitation of seniors is underreported. It is estimated that only one in 44 cases of financial abuse is ever reported.<sup>26</sup> Elder financial abuse and fraud is estimated to cost older Americans between \$2.9 billion and \$36.5 billion annually.<sup>27</sup>

Common financial scams targeted at seniors include: Medicare/health insurance scams; counterfeit prescription drugs; funeral and cemetery scams; fraudulent anti-aging products; telemarketing/phone scams; internet fraud; investment schemes; homeowner/reverse-mortgage scams; and the grandparent scam.<sup>28</sup>

Each presenter discussed elder financial exploitation cases that they had worked on professionally. Two distinct types of financial exploitation cases were identified. The first type involves a senior being financially exploited by a caregiver or family member. The second type involves seniors being scammed by strangers.

Financial exploitation of an older adult by a caregiver or family member often occurs more slowly than stranger scams. A perpetrator often befriends an older adult and becomes a close confidant. Common warning signs of financial exploitation identified in Navigant Credit Union's procedure manual, which was submitted to the Task Force, include large cash withdrawals; increased frequency of withdrawals; increased use of bank checks or personal checks; members wanting to add a co-signer to the account; and unusual interest by a third-party entering the picture. Financial institutions can pick up on known patterns of behavior and attempt to intervene; however, presenters noted that, ultimately, they cannot stop seniors from writing checks because the money does belong to the seniors.

All presenters agreed that cases involving stranger scams are often more challenging to resolve and tend to have larger financial impact on victims. These scams commonly occur over the internet or telephone. Stranger scams frequently involve large sums of money being wired to unknown perpetrators in a matter of seconds. The Rhode Island State Police indicated that their jurisdiction is within the state, yet these scams frequently occur across state lines or even in other countries. Once money has been sent electronically, it is nearly impossible to recoup. Presenters reported that stranger scams often have a psychological component involving the senior being manipulated. This can make it very difficult to convince seniors that they have been scammed.

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<sup>24</sup> Hayashi, Yuka. Scamming Grandma: Financial Abuse of Seniors Hits Record, *The Wall Street Journal* (2019), [https://www.wsj.com/articles/scamming-grandma-financial-abuse-of-seniors-hits-record-11548344907?emailToken=fa86a50a26fd5e557c23521bd720a657RpJmQ5KtEsaaO7bogPAeBRFexIMeET/+UZjhTK/p3aPCieMaMUECa16Thc+4jH/A3YXYpCnRGGeAvxo65DOXeg5g9tRBHuFg4rKtuWzUmW7hwRSR/EWS30PClpUTOiO&reflink=article\\_email\\_share](https://www.wsj.com/articles/scamming-grandma-financial-abuse-of-seniors-hits-record-11548344907?emailToken=fa86a50a26fd5e557c23521bd720a657RpJmQ5KtEsaaO7bogPAeBRFexIMeET/+UZjhTK/p3aPCieMaMUECa16Thc+4jH/A3YXYpCnRGGeAvxo65DOXeg5g9tRBHuFg4rKtuWzUmW7hwRSR/EWS30PClpUTOiO&reflink=article_email_share).

<sup>25</sup> United States Department of Justice, The United States Attorney's Office: Northern District of West Virginia, "Elder Justice," <https://www.justice.gov/usao-ndwv/programs/elder-justice>.

<sup>26</sup> National Adult Protection Services Association, "Elder Financial Exploitation," <http://www.napsa-now.org/policy-advocacy/exploitation/>

<sup>27</sup> National Council on Aging, "Top 10 Financial Scams Targeting Seniors," <https://www.ncoa.org/public-policy-action/elder-justice/elder-abuse-facts/>.

<sup>28</sup> *Ibid.*

One common example of a stranger scam is “the grandparent scam.” Scammers call an older person and pretend to be a grandchild. Once the older person has been convinced, the fake grandchild will usually ask for money to solve some unexpected financial problem to be paid via Western Union or MoneyGram, which do not always require the person receiving the money to show identification.<sup>29</sup>

Financial institutions have limited options when an older adult refuses to believe that he or she has been financially exploited. Presenters emphasized that seniors are autonomous adults and, ultimately, may do what they please with their money. Though there are measures that financial institutions can take to help protect older adults against financial exploitation, the bottom line is that seniors can spend their money how they see fit.

The presenters from banking institutions provided an overview of their policies and procedures for cases of financial exploitation. Both institutions had robust policies and procedures in place, which include training and reporting protocols.

Task Force members asked about the potential need for regulations to assist in preventing financial exploitation. Jeanne Gattegno (Saint Elizabeth Haven for Elder Justice) identified Delaware as recently passing legislation that increases the amount of time a suspicious transaction can be frozen. Stephen Ormerod (Navigant Credit Union) indicated that this may be beneficial to larger institutions. Jared Wilbur (The Washington Trust Company) said it is important for seniors to maintain autonomy, but a tool to allow law enforcement to have more time to investigate the use of funds would be helpful. It was reported that sometimes perpetrators drain their victims’ accounts in the time it takes to determine if financial abuse is, indeed, occurring. An account freeze may help to avoid this.

There has been action at the federal level to mitigate financial exploitation. Mr. Ormerod identified an existing federal law, the Bank Secrecy Act, which has required financial institutions to file Suspicious Activity Reports (SAR) since 2013.<sup>30</sup> The objective of the reports is to “assess the bank’s policies, procedures, and processes, and overall compliance with statutory and regulatory requirements for monitoring, detecting, and reporting suspicious activities.”<sup>31</sup>

The Washington Trust Company has branches in both Rhode Island and Connecticut. Mr. Wilbur reviewed some of Connecticut’s practices that he believes are beneficial. Connecticut statute requires that:

“Any institution, organization, agency or facility employing individuals to care for persons sixty years of age or older shall provide mandatory training on detecting potential abuse, neglect, exploitation and abandonment of such persons and inform such employees of their obligations under this section.” (CGS § 17b-451).<sup>32</sup>

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<sup>29</sup> National Council on Aging, “Top 10 Financial Scams Targeting Seniors,” <https://www.ncoa.org/public-policy-action/elder-justice/elder-abuse-facts/>.

<sup>30</sup> United States Department of the Treasury: Office of the Comptroller of the Currency, “Filing Suspicious Activity Reports (SAR),” <https://www.occ.treas.gov/topics/bank-operations/financial-crime/suspicious-activity/index-suspicious-activity.html>.

<sup>31</sup> Federal Financial Institutions Examination Council Bank Secrecy Act/ Anti-Money Laundering InfoBase, “Suspicious Activity Reporting- Overview,” [https://www.ffiec.gov/bsa\\_aml\\_infobase/pages\\_manual/olm\\_015.htm](https://www.ffiec.gov/bsa_aml_infobase/pages_manual/olm_015.htm).

<sup>32</sup> Connecticut General Assembly, Sec. 17b-451, [https://www.cga.ct.gov/current/pub/chap\\_319dd.htm#sec\\_17b-451](https://www.cga.ct.gov/current/pub/chap_319dd.htm#sec_17b-451).

Financial institutions are included in this statute. Additionally, the statute requires that the Connecticut Commissioner of Social Services develop an educational training program to promote the prompt identification and reporting of elder abuse. This training is required to be made available online. Mr. Wilbur testified that Connecticut not only levies an obligation on institutions but also gives compliance tools to help meet this obligation, which is helpful. He stated that the training provided by Connecticut is comprehensive and The Washington Trust Company uses the tools that Connecticut provides to train their employees.

Additionally, Mr. Wilbur reported that Connecticut has a real-time phone intake process for reporting suspected elder abuse. He stated that this is easier than filing a form because information can be communicated more quickly. Some aspects of a story of suspected abuse are easier to convey verbally. Mr. Wilbur suggested that “closing the loop” back to the financial institution that reported the abuse would be helpful. Financial institutions want to know that the state is following through with reports of abuse, so that their clients are protected financially.

During the Task Force meeting held on April 10, 2019, Chairperson Coyne updated the Task Force that Frank Sullivan and Paul Pisano reached out to her to share their knowledge about elder financial exploitation. Both Mr. Sullivan and Mr. Pisano work as hearing officers for the Financial Industry Regulatory Authority (FINRA). FINRA is an independent, non-governmental regulator for all securities firms doing business with the public in the United States. FINRA is authorized by Congress to protect America’s investors by making sure the securities industry operates fairly and honestly. Both men reported having seen many elder financial abuse cases, and they work to educate people on how to avoid and report such exploitation. Mr. Sullivan and Mr. Pisano shared two important resources: A Securities Helpline for Seniors (844-574-3577) and an online tool to research the background and experience of financial brokers, advisers, and firms.<sup>33</sup>

The top recommendation of all presenters was that training and education is the most effective way to prevent financial exploitation. Navigant Credit Union participates in Credit Union Senior Safeguard, an online, educational program developed to fight financial scams and fraud being perpetrated against older adults.<sup>34</sup> Navigant Credit Union also provides financial education in the community. Education is essential because once a senior has been a victim of financial exploitation, which commonly includes psychological manipulation, it is hard to convince the individual that he or she has been exploited. This is why prevention is necessary at a grassroots level. Seniors and those close to them need to be educated on how to avoid financial exploitation.

- **Recommendations:**

- Support training and education of seniors and those close to them about ways to prevent financial exploitation and how to identify the signs that someone is being exploited.
- Consider mandating training in Rhode Island statute for any institution, organization, agency, or facility that employs individuals to care for persons sixty years of age or older, similar to how such training is required in Connecticut.

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<sup>33</sup> Financial Industry Regulatory Authority, “Three Resources for Senior Investors,” <https://www.finra.org/investors/highlights/three-resources-senior-investors>.

<sup>34</sup> Better Values. Better Banking. “CU Senior Safeguard,” <https://bettervaluesbetterbanking.com/cu-senior-safeguard>.

- Examine laws in other states, such as Delaware, that allow for financial institutions to place holds on bank accounts when they identify suspicious account transactions.
- Explore ways to “close the reporting loop,” so that an agency investigating potential abuse reports back to the financial institution that reported the suspected abuse.
- To be consistent, change the definition of an “elderly person” within existing Rhode Island General Laws so that all definitions align with the “Elderly Affairs Department” statute (§ 42-66-4.1), which defines an “elderly person” as a person 60 years of age or older.
  - One example of this can be found in the “Exploitation of Elders” statute (§ 11-68-1), which needs to be changed from a person 65 years of age or older to a person 60 years of age or older.

**Finding 4: Increased monitoring, data collection, and education within Rhode Island’s guardianship program is needed**

On March 6, 2019, The Special Task Force to Study Elderly Abuse and Financial Exploitation convened to explore the topic of guardianship for older adults. Presenters included: Diana H. Noel, Senior Legislative Representative, AARP; Mark B. Heffner, Esq., Certified Elder Law Attorney, Heffner & Associates; and Theresa C. Donovan, CMC, Town Clerk, Narragansett.

In Rhode Island General Laws, the “Guardianship of Adults” statute’s stated purpose is:

“ ... to promote the public welfare by establishing a system that permits incapacitated persons to participate as fully as possible in all decisions affecting them; that assists such persons in meeting the essential requirements for their physical health and safety, in protecting their rights, in managing their financial resources, and developing or regaining their abilities to the maximum extent possible; and that accomplishes these objectives through providing, in each case, the form of assistance that least interferes with the legal capacity of a person to act in his or her own behalf.” (§ 33-15-1).<sup>35</sup>

Ms. Noel (AARP) provided an overview of guardianships nationwide. Due to the nature of guardianship relationships, there is an opportunity for elder abuse to occur. Every day, across the country, there are guardianship abuse stories in the news. Ms. Noel identified some national trends that appear to be relevant in Rhode Island: There is a lack of consistent and reliable data on guardianships; monitoring reforms may help to prevent abuse and exploitation; more collaboration/taskforces/multidisciplinary teams are being used to affect change; less restrictive alternatives to guardianships, like supportive decision making agreements may be beneficial; and training and education should be offered to all guardians. When Ms. Noel was asked to identify which state is doing guardianships the best, she expressed that this is a hard question to answer because it is difficult to compare states to each other.

Ms. Noel informed the Task Force that in 2017, Congress passed the Elder Abuse Prevention and Prosecution Act, which establishes requirements for the Department of Justice with respect to investigating and prosecuting elder abuse crimes and enforcing elder abuse laws.<sup>36</sup> The Act

<sup>35</sup> State of Rhode Island General Laws, § 33-15-1, <http://webserver.rilin.state.ri.us/Statutes/TITLE33/33-15/33-15-1.HTM>.

<sup>36</sup> Congress.gov, “S.178 - Elder Abuse Prevention and Prosecution Act,” <https://www.congress.gov/bill/115th-congress/senate-bill/178>.

authorizes HHS to award adult protective services demonstration grants to the highest courts in states, in collaboration with the state's unit on aging and adult protective services agency, to assess adult guardianship proceedings and to implement necessary changes.<sup>37</sup> Additionally, the Department of Justice is required to publish best practices and model legislation related to guardianship proceedings for the purpose of preventing elder abuse.<sup>38</sup>

Task Force member and certified elder law attorney Mark Heffner educated the Task Force on the history and evolution of the guardianship program in Rhode Island. Guardianship appointments occur in Rhode Island's municipal probate courts, of which there are 39. Unlike other courts, Rhode Island's probate courts are not full-time courts, and many do not have full-time staff. Major reforms of the program occurred in the early 1990s. Mr. Heffner testified that the guardianship program in Rhode Island mostly works well. However, one area he flagged as potentially needing improvement was guardianship program monitoring.

According to Mr. Heffner, guardianship reforms in Rhode Island may have been too aspirational when lawmakers decided to charge probate clerks with the obligation to monitor the supervision of guardianships. Rhode Island General Laws § 33-15-26 and § 33-15-26.1 mandate that annual accountings and annual status reports be submitted by each guardian to the probate court. The statutes require probate courts to monitor each guardianship. Mr. Heffner reported that these annual obligations, for the most part, are not met by guardians, and probate courts do not have the software or personnel capacity to monitor guardianships appropriately. Mr. Heffner suggested that a statewide court software system might be able to notify probate courts of when annual reports are due.

Molly Kapstein Cote (Office of the Attorney General) agreed that the lack of annual guardianship reporting is an issue in the cases she investigates and prosecutes. Ms. Kapstein Cote stated that some attorneys take advantage of the lack of oversight on guardianships. Theresa Donovan (Town Clerk, Narragansett), who shared her perspective as a probate clerk with the Task Force, also supported the notion that there is a lack of guardianship monitoring. She testified that depending upon resources, some probate courts have developed a monitoring system to track guardianships. However, most probate courts in Rhode Island have neither the staff nor the software or other systems to adequately and consistently comply with statutory provisions.

Ms. Donovan's testimony shed light on the lack of resources available to probate courts. In Rhode Island, the city or town clerk, by statute, is the probate clerk. That is just one of the functions of the office. Some municipalities, usually larger cities, have a specific staff member dedicated to probate court duties. Most municipalities only have two or three staff for all of the following town clerk duties:

- Election administration;
- Recorder of deeds;
- Business license administration, including alcoholic beverage licenses;
- Public records compliance officer for the municipality;

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<sup>37</sup> *ibid.*

<sup>38</sup> Congress.gov, "S.178 - Elder Abuse Prevention and Prosecution Act," <https://www.congress.gov/bill/115th-congress/senate-bill/178>.  
<https://www.congress.gov/bill/115th-congress/senate-bill/178>.

- Administrative support to the city/town council;
- Legislative administration, including maintenance of the municipal charter and code of ordinances;
- Vital records administration, including the issuance of marriage licenses;
- Public information office for the municipality; and
- Municipal court administration, in many municipalities.

Ms. Donovan testified that most courts require the production of a report from the Bureau of Criminal Identification (BCI) for a nominated guardian. Some probate courts require these background checks be done through local police departments or the Rhode Island Office of the Attorney General. However, these background checks only provide results from Rhode Island and do not capture potential criminal activity in other states. Ms. Donovan testified that national background checks are required of child care employees, pawn shop employees, massage therapists, R.I. Lottery employees, adult day care employees, and in many other circumstances. Older adults are as deserving of protections as the consumers and assets of these service providers.

National background checks could serve as a tool to screen guardians on the front end of the guardianship process, rather than primarily depending on the limited resources of the probate courts to monitor guardianships after they have been granted. More thorough screening of potential guardians could allow for better protections preemptively. Requiring national background checks would set a statewide standard for verification of qualifications of guardians that would assist the probate courts in the appointment process.

Ms. Donovan requested that the Task Force consider the diverse responsibilities and limited resources of the probate courts before any additional duties and responsibilities are imposed upon the courts.

Ms. Donovan reported that over the past five years Narragansett has had a 50% increase in *pro se* guardian petitioners, which are petitioners who represent themselves. The amount of active guardianships currently open in the state is unknown. Ms. Donovan suspects that some smaller municipalities process about three or four guardianships a year; however, the number of guardianships does not necessarily correlate to the size of the community and can depend on demographics.

As Long Term Care Ombudsman, Kathleen Heren has frequently been involved in probate court proceedings. Based on her experience, Ms. Heren believes that guardians need to be provided more education and resources. Mr. Heffner agreed that some sort of uniform educational guide for guardians would be helpful. In Narragansett, Ms. Donovan reported that *pro se* applicants are provided with an information handout but that they are really on their own. It is unknown whether or not other probate courts offer education and resources to their guardian applicants.

During the Task Force meeting held on April 10, 2019, Chairperson Coyne updated the Task Force that she had met with State Court Administrator Joseph Baxter and General Counsel to the Rhode Island Supreme Court, Julie Hamil. The meeting's purpose was to explore the proposed recommendation to implement a statewide court software system to better track and monitor guardianships. Since probate courts are independent of the state court system, probate court

activity is not tracked by the state court software system. Mr. Baxter did some research to see what it would take to have probate courts electronically report to the existing state court system. He concluded that it would require a very large IT project. All probate courts would need to use the same electronic filing system that the state uses so that all court systems could electronically communicate with one another. This would be a massive undertaking. As an alternative solution, Mr. Baxter and Ms. Hamil proposed the use of scheduling orders to be used as an accountability tool to clearly set due dates for guardianship reporting requirements. Ms. Hamil shared sample scheduling orders from various Rhode Island Superior Courts that could serve as a model for probate courts.

To better understand the status of the guardianship program in Rhode Island, the Task Force to Study Elderly Abuse and Financial Exploitation sent out a survey to each probate court across Rhode Island on May 31, 2019. The goal of the survey is to collect data, such as the total number and type of current open guardianships, the number of timely filed annual status reports and annual accountings, the personnel makeup of each probate court, whether or not instructional/educational materials or resources are provided to guardians, and what system is in place to monitor guardianships. Completed surveys are due to the Senate by September 18, 2019. Upon review of the surveys, the Task Force will assess whether any additional recommendations are needed.

- **Recommendations:**

- Collect and review data from 39 municipal probate courts to survey the status of the guardianship program in Rhode Island and to assess if any further recommendations are needed with regard to monitoring.
  - The Task Force to Study Elderly Abuse and Financial Exploitation sent out a survey to each probate court in Rhode Island on May 31, 2019.
- Require national background checks of all guardian applicants.
  - Senate Bill No. 845, sponsored by Senator Coyne, was introduced to the Rhode Island Senate Committee on Judiciary on April 30, 2019. The legislation requires all guardian applicants to undergo a national criminal background check.
- Support the uniform dissemination of instructional materials, training, education, and resources for guardians.
- Explore potential federal grant opportunities to fund increased monitoring, data collection, and education within Rhode Island's guardianship program.

**Finding 5: Cohesive and collaborative education, training, and resources are key components to preventing and mitigating elder abuse and financial exploitation**

On March 20, 2019, The Special Task Force to Study Elderly Abuse and Financial Exploitation met to focus on the topics of education, training, and resources as they relate to elder abuse and financial exploitation. The presenters included: Jeanne Gattegno, Director, Saint Elizabeth Haven for Elder Justice; Rose Amoros Jones, Director, Division of Elderly Affairs; Meghan Connelly, Director of Public Affairs, Division of Elderly Affairs; and Cortney Nicolato, President & CEO, United Way of RI.

The need for education, training, and resources repeatedly arose as a theme at Task Force meetings. Task Force participants identified education, training, and resources as key tools for preventing and mitigating elder abuse and financial exploitation. Many Task Force participants have provided some form of education or training in the community; however, there is not a comprehensive and coordinated statewide education and training effort.

Saint Elizabeth Haven for Elder Justice was recently awarded a three-year grant from the U.S. Department of Justice (DOJ), Office of Violence Against Women. The Enhanced Training and Services to End Abuse in Later Life grant will fund a statewide effort to do as its name suggests. The target population of the grant is age 50 and older. This is a younger demographic than the definition of elder in Rhode Island, which is age 60 and older. For this reason, Ms. Gattegno stated that it is important to partner with agencies who serve this younger group.

The project that Saint Elizabeth Haven for Elder Justice is spearheading is designed to build a multidisciplinary team approach to make system changes to reduce barriers to victim safety; to increase investigations and prosecutions; and to create sustainable change and improvements in how Rhode Island addresses elder abuse.<sup>39</sup> The grant is based on a train-the-trainer model; multidisciplinary teams will be trained by the Department of Justice to train police officers, victim service providers, and legal professionals (i.e., prosecutors and judges).

Ms. Gattegno reported that a multidisciplinary team, whose focus is to enhance training for law enforcement, has been identified and includes: Two Providence police officers; a prosecutor from the Office of the Attorney General; an adult protective services worker from the Division of Elderly Affairs; and a domestic violence advocate. This team will be trained to implement a Department of Justice elder abuse training model for law enforcement and will train more than 300 police officers in Rhode Island. Ms. Gattegno stated that her hope is that this elder abuse training will be folded into existing training, much like domestic and child abuse training, which is done annually for all police officers. Blending elder abuse training into existing police officer training could potentially alleviate cost concerns associated with additional training.

A second multidisciplinary team will provide cross-training for victim service providers. This team will include a community-based advocate, an aging network member, and a systems-based agency member. The team will be trained to implement a DOJ elder abuse training model to enhance elder victim safety and quality of life by strengthening collaboration among victim service providers. Additionally, both a prosecutor from the Office of Attorney General and a judge will attend intensive trainings with the intent of bringing elder abuse training into the Rhode Island legal system. These newly trained trainers will conduct trainings for medical professionals, attorneys, those who work with seniors, and social service agencies.

Ms. Gattegno testified that an outreach and service strategic plan is being developed as part of this grant. The plan will be informed by a needs survey she is conducting to identify gaps in current services and priorities for new services for older victims. Elders, victim service providers, and underserved populations – including individuals with disabilities, in the LGBT community, and who do not speak English – will be surveyed. The goal is to improve a current service or create a new service and to create an outreach program.

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<sup>39</sup> Saint Elizabeth Haven for Elder Justice: PowerPoint Presentation on March 20, 2019, slide 4.

Additionally, an Elder Justice Coalition consisting of various professionals and community members will be convened with the goal of enhancing services and safety for older victims and improving the criminal justice system's response to perpetrators of elder abuse. Ms. Gattegno said she hopes a grant extension will be offered after this grant period ends so the program continues into the future.

The Division of Elderly Affairs (DEA) presented information to the Task Force about how older Rhode Islanders access information across the state. The United Way of Rhode Island joined DEA as a valued member of DEA's Aging and Disability Resource Network (ADRN).

In 2018, DEA and their partners conducted community conversations with older Rhode Islanders to learn about their experiences and needs. One of the top needs identified was access to information. In response to this, DEA is working to strengthen services and supports available through The POINT, Rhode Island's call- and walk-in resources center for older Rhode Islanders and adults with disabilities.

Currently, DEA coordinates its information and referral services through The POINT, which includes 25 partner agencies across the state. Services provided through the network include information assistance, screening, some options counseling to help seniors make informed decisions about long-term services and supports, and referrals to relevant resources.<sup>40</sup> DEA acknowledged that there are gaps in services provided throughout the network. Not all of the network agencies provide the same services and information. DEA is working with its partners to see where they can strengthen their services. In the future, DEA hopes to "strengthen the network by further enhancing and coordinating services; standardizing processes, such as data collection, screening, and training, across partners; and developing a robust online portal."<sup>41</sup> The goal is that anyone who walks into any DEA partner agency will have access to the same services and information.

The POINT, located at United Way and co-located with the state's 2-1-1 system, is funded by DEA and offers specialized information and referral services and options counseling for seniors, adults with disabilities, and caregivers to make informed decisions about long-term services and supports. The POINT also provides Medicare/Medicaid enrollment assistance and many wrap-around services. Additionally, The POINT offers 24/7 intake/triage through the 2-1-1 call center, has a multilingual staff, and has access to translators in nearly 200 languages and dialects.<sup>42</sup>

Both Ms. Gattegno (Saint Elizabeth Haven for Elder Justice) and Ms. Connelly (R.I. Division of Elderly Affairs) identified a statewide training group, The Citizens' Commission for Safety and Care of the Elderly, which is housed within DEA. This commission meets once a year to train police and fire professionals on various issues that affect seniors. Ms. Connelly reported that each municipal police and fire department has a trained individual who works with Adult Protective Services.

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<sup>40</sup> Rhode Island Division of Elderly Affairs: Presentation on March 20, 2019, page 5.

<sup>41</sup> Rhode Island Division of Elderly Affairs: Presentation on March 20, 2019, page 6.

<sup>42</sup> United Way of Rhode Island: PowerPoint presentation on March 20, 2019, slide 7.

- **Recommendations:**
  - Support Saint Elizabeth Haven for Elder Justice in executing the Enhanced Training and Services to End Abuse in Later Life grant program.
    - Support sustainability of the program.
  - Support the Division of Elderly Affairs in strengthening services and supports available through The POINT, Rhode Island’s call- and walk-in resource center for older Rhode Islanders and adults with disabilities.
    - All seniors across the state should have access to the same services, information, and resources.

# **ADDENDUM**

## **SENATE RESOLUTIONS**

### **AGENDAS with presentations and written submissions**

December 12, 2018:	Agenda and Written Submission
January 23, 2019:	Agenda, Presentations, and Written Submission
February 6, 2019:	Agenda, Presentations, and Written Submissions
March 6, 2019:	Agenda, Presentation, and Written Submission
March 20, 2019:	Agenda and Presentations
April 10, 2019:	Agenda
June 28, 2019:	Agenda

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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SENATE RESOLUTION

CREATING A SPECIAL TASK FORCE TO STUDY ELDERLY ABUSE AND FINANCIAL  
EXPLOITATION

Introduced By: Senator Cynthia Armour Coyne

Date Introduced: June 22, 2018

Referred To: Placed on the Senate Consent Calendar

1 WHEREAS, Approximately one in ten Americans over age 60 have experienced some  
2 form of elder abuse. Some estimates range as high as 5 million elders who are abused each year.  
3 One study estimated that only one in fourteen cases of abuse are reported to authorities; and

4 WHEREAS, One in five Americans over 65 has been victimized by a financial fraud and  
5 a national study determined that financial exploitation costs seniors at least \$2.9 billion annually;  
6 and

7 WHEREAS, It is in the best interest of the citizens of Rhode Island to convene an Elder  
8 Abuse and Exploitation Task Force to study the prevalence and impact of elder abuse and  
9 exploitation in this state; now, therefore be it

10 RESOLVED, That a special task force be and the same is hereby created consisting of  
11 nine (9) members: two (2) of whom shall be a members of the Rhode Island Senate, to be  
12 appointed by the President of the Senate; one of whom shall be a member of the public with  
13 significant experience in elder law, to be appointed by the President of the Senate; one of whom  
14 shall be a representative from an agency that works directly with victims of elder abuse and/or  
15 financial exploitation, to be appointed by the President of the Senate; one of whom shall be a  
16 member of law enforcement, to be appointed by the Governor; one of whom shall be the  
17 Lieutenant Governor, or designee; one of whom shall be a member with significant experience  
18 working on issues related to elder abuse and/or financial exploitation, to be appointed by the  
19 Attorney General; one of whom shall be the Director of the Division of Elderly Affairs, or

1 designee; and one of whom shall be the State Director of the AARP-RI, or designee.

2 The purpose of said task force shall be to study the prevalence and impact of elder abuse  
3 and exploitation in this state and to make recommendations on policies and legislation to  
4 effectively address the issue impacting seniors and other vulnerable adults.

5 The initial appointments shall be made no later than August 1, 2018.

6 Members of the task force shall meet at the call of the President of the Senate, and  
7 organize and shall select a chairperson, a secretary, and any other officers deemed necessary.

8 Vacancies in said task force shall be filled in like manner as the original appointment.

9 The membership of said commission shall receive no compensation for their services.

10 Members of the task force shall meet monthly, or more often at the call of the chairperson  
11 or upon petition of a majority of the task force members.

12 All departments and agencies of the state shall furnish such advice and information,  
13 documentary and otherwise, to said task force and its agents as is deemed necessary or desirable  
14 by the task force to facilitate the purposes of this resolution.

15 The Joint Committee on Legislative Services is hereby authorized and directed to provide  
16 suitable quarters for said task force; and be it further,

17 RESOLVED, That the task force shall report its findings and recommendations to the  
18 Senate no later than February 5, 2019, and said task force shall expire on June 30, 2019.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
SENATE RESOLUTION  
CREATING A SPECIAL TASK FORCE TO STUDY ELDERLY ABUSE AND FINANCIAL  
EXPLOITATION

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- 1           This resolution would create a nine (9) member special task force whose purpose it would
- 2   be to study elderly abuse and financial exploitation, and who would report back to the Senate no
- 3   later than February 5, 2019, and whose life would expire on June 30, 2019.

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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2019**

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**SENATE RESOLUTION**

**EXTENDING THE REPORTING AND EXPIRATION DATES OF THE SPECIAL TASK  
FORCE TO STUDY ELDERLY ABUSE AND FINANCIAL EXPLOITATION**

Introduced By: Senator Cynthia Armour Coyne

Date Introduced: March 14, 2019

Referred To: Placed on the Senate Consent Calendar

1           RESOLVED, That the special legislative commission created by resolution No. 342  
2 passed by the Senate at its January session, A.D. 2018, and approved June 22, 2018, entitled  
3 "Senate Resolution to Study Elderly Abuse and Financial Exploitation" is hereby authorized to  
4 continue its study and make a report to the Senate on or before June 31, 2019, and said  
5 commission shall expire on December 31, 2019; and be it further

6           RESOLVED, That the time for reporting authorized by resolution No. 342 passed by the  
7 Senate at its January session, A.D. 2018, and approved June 22, 2018, be and the same is hereby  
8 rescinded.

=====  
LC002029  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
SENATE RESOLUTION  
EXTENDING THE REPORTING AND EXPIRATION DATES OF THE SPECIAL TASK  
FORCE TO STUDY ELDERLY ABUSE AND FINANCIAL EXPLOITATION

\*\*\*

- 1           This resolution would extend the reporting date of the special task force to study elderly
- 2   abuse and financial exploitation from February 5, 2019, to June 31, 2019, and said commission
- 3   would expire on December 31, 2019.

=====  
LC002029  
=====

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# **SPECIAL TASK FORCE TO STUDY ELDERLY ABUSE AND FINANCIAL EXPLOITATION**

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## **NOTICE OF MEETING**

**DATE:** Wednesday, December 12, 2018

**TIME:** 2:30 P.M.- 4:00 P.M.

**PLACE:** Room 313 - State House

### **Agenda:**

- I. Election of the Chairperson
- II. Election of the Secretary
- III. Opening remarks
- IV. Introduction of Task Force members
- V. Presenters:
  - John DiTomasso, Associate State Director, AARP- Rhode Island
  - Jeanne Gattegno, Director, Saint Elizabeth Haven for Elder Justice
  - Diane Daigle, Special Assistant Attorney General, Chief of the Elder Abuse Unit
- VI. Roundtable discussion on future meeting topics
- VII. Closing remarks
- VIII. Adjourn

**No public comment will be taken at this time.**

Please contact Molly McCloskey at [mmccloskey@rilegislature.gov](mailto:mmccloskey@rilegislature.gov) with any questions.

**POSTED: MONDAY, DECEMBER 3, 2018, 2:25 P.M.**

## SAINT ELIZABETH HAVEN FOR ELDER JUSTICE FACT SHEET

**THE HAVEN** is a statewide program of the Saint Elizabeth Community that provides

- **a short-term shelter** for an elder abuse victim and
- **a community-based case management program** for the elder who is abused or at risk of abuse and who does not enter the shelter.

**Haven clients** are

- both male and female
- physically, psychologically, sexually, verbally, or financially abused, or intentionally neglected
- age 60 or older
- understands the purpose of the Haven shelter and community program
- is willing to be admitted
- is competent to make a decision

**Referrals** are made by community agencies and Adult Protective Service Workers.

- an elder is screened by the Haven team for admission into the shelter
- the team identifies a bed in one of the facilities when needed
- **a plan to transition the elder into the shelter or into the community program is developed**
- agrees to abide by the terms of the care plan

**THE HAVEN SHELTER** is a virtual shelter, a fairly new shelter model in the country.

- there is no one shelter building
- an elder victim is placed in one of Saint Elizabeth Community facilities, wherever a bed is available

**The Haven Shelter is different from other types of shelters.**

- Saint Elizabeth Community has over a hundred years of experience working with frail elders
- the facilities are completely handicapped accessible
- provide 24-hour nursing care
- provide programs and services geared to elders
- maintain elder-friendly environments

**There is no charge to the elder for shelter services** in the nursing facility.

**The length of shelter stay** varies based upon the needs of the elder.

- the goal is to transition the elder into a safe permanent living situation within 30 days
- experience demonstrates that some elders stay shorter time, others stay longer
- discharge planning begins when the elder enters the facility.

### **Upon admittance into the shelter**

- a safety plan is put into place
- a health/psych assessment and social/safety assessment are completed
- needs are identified and addressed
- the elder is integrated into the program activities of the facility
- the elder resides anonymously in the facility
- a case management and discharge plan is developed immediately after discharge, the Elder Advocate follows up with the elder at 3 months and 6 months
- and remains available to assist the elder upon request or referral

**THE HAVEN COMMUNITY PROGRAM** works with elder victims while they remain in their home or in the community.

### **Once admitted into the shelter or the community program, an Elder Advocate**

- provides case management services and safety planning
- obtains resources for counseling and social service support
- advocates for the elder through the legal process
- works with a team of community partners
- develops a discharge plan including relocation of the elder
- follows up with the elder at 3 months and 6 months
- remains available to assist the elder upon request

### **HAVEN EDUCATION AND ADVOCACY**

- Provides education to the public about elder abuse, safety training
- Advocates for benefits, services and legal assistance for victims
- Advocates for laws and public policies about elder abuse services and protections

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# Special Task Force to Study Elderly Abuse and Financial Exploitation

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## Notice of Meeting

**DATE:** Wednesday, January 23, 2019

**TIME:** 2:30 P.M. – 4:00 P.M.

**PLACE:** Room 313 – State House

### Agenda:

- I. Opening remarks
- II. Presenters:
  - Lidia Vognar, MD, MHS, Assistant Professor of Geriatric Medicine, Brown University
  - Mary Ladd, Chief Program Development, RI Division of Elderly Affairs
  - Molly Kapstein Cote, Special Assistant Attorney General, Office of the Attorney General
- III. Closing remarks
- IV. Adjourn

**No public comment will be taken at this time.**

Please contact Molly McCloskey at [mmccloskey@rilegislature.gov](mailto:mmccloskey@rilegislature.gov) with any questions

# Elder Abuse

Lidia Vognar, MD MHS cMD  
Asst Professor, Geriatric Medicine,  
Brown University  
VA Medical Center, Providence, RI  
Phone: 401-273-7100  
Email: [Lidia.Vognar@va.gov](mailto:Lidia.Vognar@va.gov)

# End the Silence

## Background/ Disclosures:

- Geriatrician at VA, Care New England, Lifespan
- Educator at Brown University
- Former Hospice Medical Director at VNA Home and Hospice
- No Disclosures



## Objectives:

- With this presentation, we aim to identify elder abuse barriers at a national level
- With this presentation, we aim to identify elder abuse barriers at a state level
- With this presentation, we aim to give a healthcare professionals view on elder abuse



## Elder Abuse : Statistics

- There are presently about 39 million individuals over the age of 65; the U.S. Census Bureau projects that more than 62 million Americans will be 65 or older in 2025 (McCoy and Hansen, 2004)
- According to the best available estimates, between **1 and 2 million Americans** age 65 or older have been injured, exploited, or otherwise mistreated by someone on whom they depended for care or protection. (Elder Mistreatment: Abuse, Neglect and Exploitation in an Aging America. 2003. Washington, DC: National Research Council Panel to Review Risk and Prevalence of Elder Abuse and Neglect.)
- It is estimated that **for every one case of elder abuse**, neglect, exploitation, or self neglect reported to authorities, **about five more go unreported**. (National Elder Abuse Incidence Study. 1998. Washington, DC: National Center on Elder Abuse at American Public Human Services Association.)
- Most common is **neglect**, active and passive, followed by financial exploitation



## Why should we care?

- Victims of elder abuse have a **higher 10 year mortality and morbidity** than elders who have not been mistreated (Mosqueda, Lachs , 2004)
- Elder abuse is associated with **higher utilization of ED services** and higher **hospitalization** rates (Dong, 2013)
- Elder abuse has an estimated contribution of more than **5.3 billion dollars** to the annual healthcare expenditure in the United States (Choo, 2013)
- A clinician who sees between 20 and 40 patients daily, could encounter at least one victim of elder mistreatment (Halphen, 2009)
- Healthcare professionals were responsible for submitting **11.1%** of elder abuse reports; physicians accounted for only **1.0%** of reported cases (National APS survey)



## Why are we so bad at this?

- Lack of sufficient knowledge on elder abuse definition, types, risk factors, signs and symptoms, and the reporting process
- Survey of almost 400 family and internal medicine physicians (Kennedy R, 2005):
  - 63% had never asked their patients about elder abuse
  - 98% said there should be more education on elder mistreatment
  - 80% felt they had not been trained to diagnose elder mistreatment
- Elder abuse is part of one of the 26 Minimum Geriatric competencies for Internal medicine and Family medicine residents but exposure greatly varies from program to program

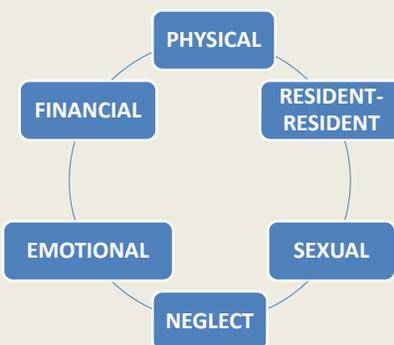


## Barrier #1: Elder Abuse: Definition

- According to most state law: **elder abuse is any knowing, intentional, or non-intentional act by a caregiver or any other person that causes harm or a serious risk of harm to a vulnerable adult.**
- According to WHO: **elder abuse is acts of omission or commission by a person who stands in a trust relationship that result in harm or threatened harm to the health and or welfare of an older adult**



## Barrier #2: Elder Abuse: Types



## Elder Abuse: Neglect

- **Neglect**: failure to fulfill a caretaking obligation
  - Active Neglect**: willful failure to provide care
  - Passive Neglect**: non-willful failure to provide care
  - Self-neglect**: failure of elder to care for themselves
- **Signs:**
  - Poor personal hygiene/ malodorous
  - Hoarding
  - Misuse of medication
  - Infrequent changing of incontinence briefs, soiled clothing
  - Malnutrition, dehydration
  - Pressure ulcers, bruising, poor oral hygiene



### **Barrier #3: Elder Abuse: Risk Factors**

- Isolation of caregiver-elder
- History of abuse in either
- Abuser dependent on elder
- Mental illness in either
- Substance abuse in either
- Caregiver's perceived distress
- Change in level of care needed for elder
- Dementia/ behavioral disturbance



### **Barrier #4: Elder Abuse: Screening**

#### **Modified Hwaleck- Sengstock Elder Abuse Screening Test:**

- Are you afraid of anyone in your family or home?
- Has anyone close to you tried to hurt or harm you recently?
- Has anyone close to you called you names or put you down or made you feel bad recently?
- Does someone in your family make you stay in bed or tell you you're sick when you know you aren't?
- Has anyone forced you to do things you didn't want to do?
- Has anyone taken things that belong to you without your OK?



## Barrier #5: Capacity Evaluation:

### I. Criteria: CURVES

#### Choose and communicate

Can the patient make a choice and communicate that choice?

#### Understand

Can the patient understand benefits, risks and alternatives?

What problem are you having right now that brought you to the hospital?

What are the treatments for your problem?

What are the risks of treatment and the odds you might have a side effect or bad outcome?

What will happen if nothing is done?

#### Reason

Can the patient make a logical, rational choice?

What factors are most important in your decision?

#### Value

Is the choice the patient makes consistent with their values?

#### Emergency

Is there an impending, emergent risk to the patient?

#### Surrogate

Is there a decision maker available?

Does the patient have an advanced directive?

Is there a designated medical power of attorney?

Is there a close relative (spouse, adult child, parent, sibling)?

### II. Interpretation

First 4 letters (C-U-R-V)

Assess the "Decision Making Capacity" of the patient

Last 2 letters (E-S)

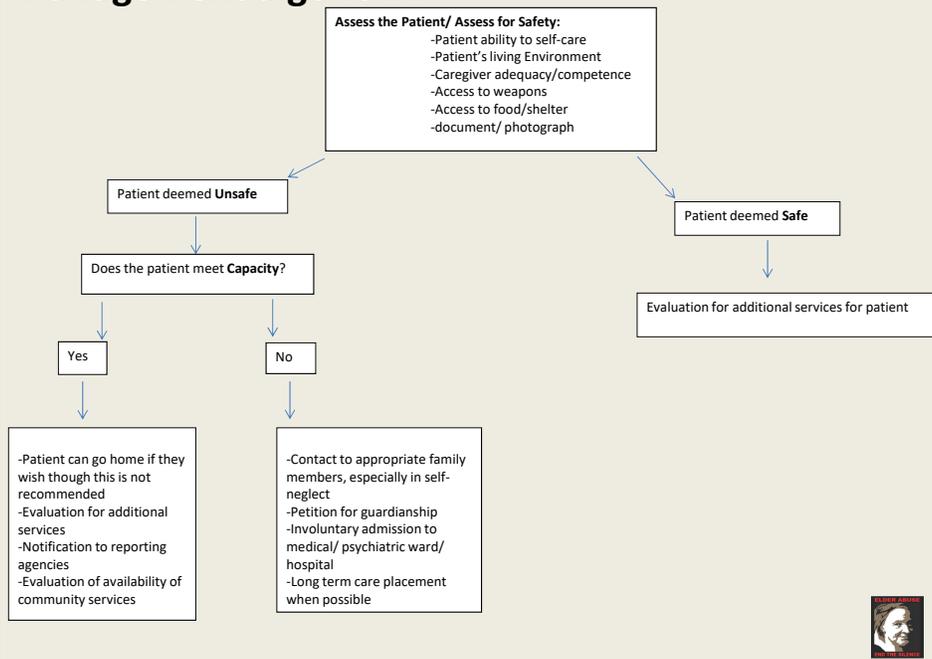
Assess whether emergency treatment can be delivered without informed consent

### III. References

[Chow \(2010\) Chest 137\(2\): 421-7 \[PubMed\]](#)



## Management algorithm:



## Barrier #6: Reporting Process

- Mandatory reporting in all 50 states and the District of Columbia for confirmed cases
- 43 states mandate reporting of suspected cases
- 30 states have penalties for failing to report
- Anyone who makes a report, testifies in court , or participates in a required evaluation shall be immune from civil or criminal liability, unless such person acted in bad faith or with malicious purpose
- You do not need proof to report, you need a strong suspicion. You do not need family permission to report
- Many myths and taboos about reporting agencies



## What can we do?

- More education and training for front line healthcare professionals: across all levels and disciplines
- Stream line the reporting process with open communication with our local reporting agencies
- Publicizing options for elder abuse victims: Safe Haven, hotlines, community services
- Legislative efforts for elder abuse specifically or stricter penalties for elder abuse crimes



## Elder Abuse: Other Resources

- Administration on Aging [www.aoa.gov](http://www.aoa.gov)
- Center of Excellence in Elder Abuse and neglect [www.centeronelderabuse.org](http://www.centeronelderabuse.org)
- National Association on State Units on Aging [www.nausa.org](http://www.nausa.org)
- ABA Commission on Law and Aging [www.abanet.org](http://www.abanet.org)
- National Center on Elder Abuse (NCEA) [www.centeronelderabuse.org](http://www.centeronelderabuse.org)
- Department of Justice [www.justice.gov/elderjustice](http://www.justice.gov/elderjustice)
- National Committee for the Prevention of Elder Abuse [www.preventelderabuse.org](http://www.preventelderabuse.org)



**Let's all find the inspiration and strength within ourselves to give our mistreated elders a voice.**

**Thank You**

**End the Silence**

# RHODE ISLAND ANNUAL REPORT ON ELDER ABUSE

*for 2017*

*released June 15, 2018*

## **Rhode Island Division of Elderly Affairs**

Gina M. Raimondo, Governor

Charles J. Fogarty, Director



[www.dea.ri.gov](http://www.dea.ri.gov)

[facebook.com/RIElderlyAffairs](https://facebook.com/RIElderlyAffairs)

[twitter.com/The\\_RIDEA](https://twitter.com/The_RIDEA)

401-462-3000

Louis Pasteur Building #57

2nd Floor

25 Howard Avenue

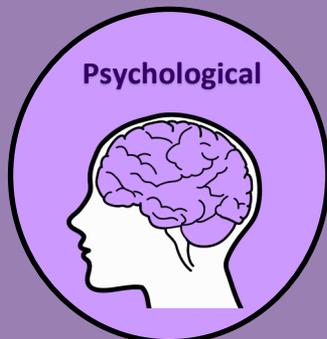
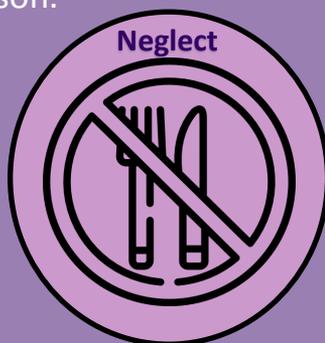
Cranston, RI 02920

# What is elder abuse?

**Physical abuse** can range from slapping or shoving to severe beatings.



**Neglect** is intentionally failing to meet the physical, social or emotional needs of the older person.



When caregivers employ the “silent treatment” or intimidate the individual by threatening them, they are **psychologically abusing** older adult.



**Financial abuse** can range from misuse of funds to embezzlement.

The World Health Organization defines elder abuse as a single, or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person .

### **Self-Neglect**

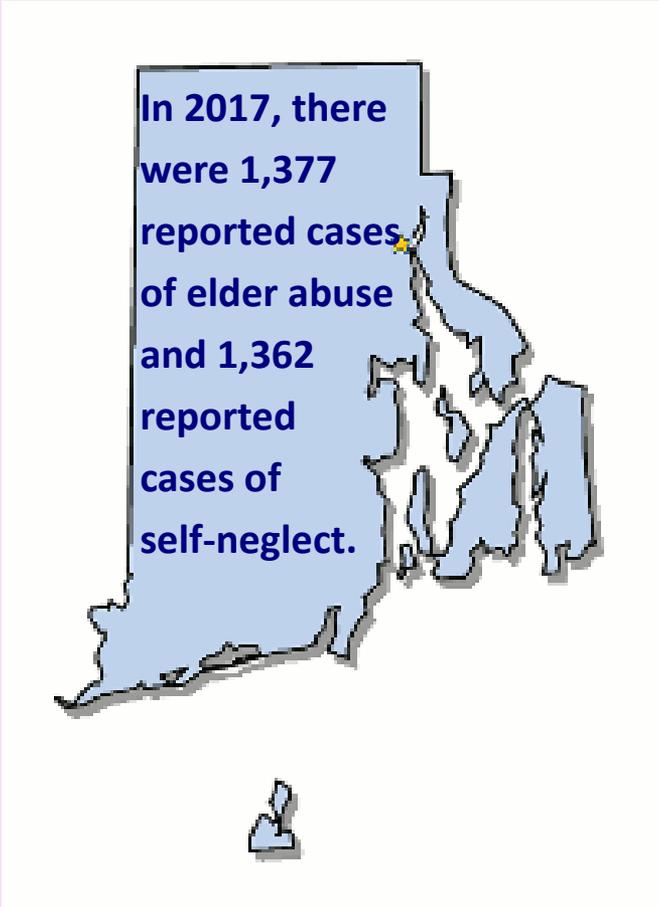
While not a form of elder abuse, self-neglect poses a significant risk to the elder.

The National Adult Protective Services Association defines self-neglect as: “an adult’s inability, due to physical or mental impairment or diminished capacity, to perform essential self-care.” Life-style choices or living arrangements alone do not prove self-neglect.

- Poor personal hygiene/not bathing
- Poor medication management/refusing to take medication
- Dehydration and/or malnutrition
- Unsanitary or very unclean living quarters
- Signs of unpaid bills, bounced checks, or utility shut-offs
- Lack of adequate food in house and/or signs of weight loss

CALENDAR YEAR 2017

RI ABUSE AND SELF-NEGLECT STATISTICS

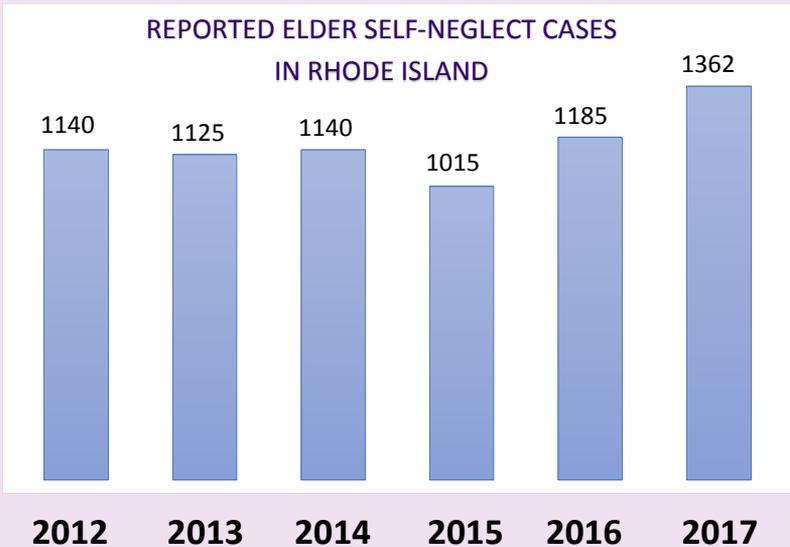
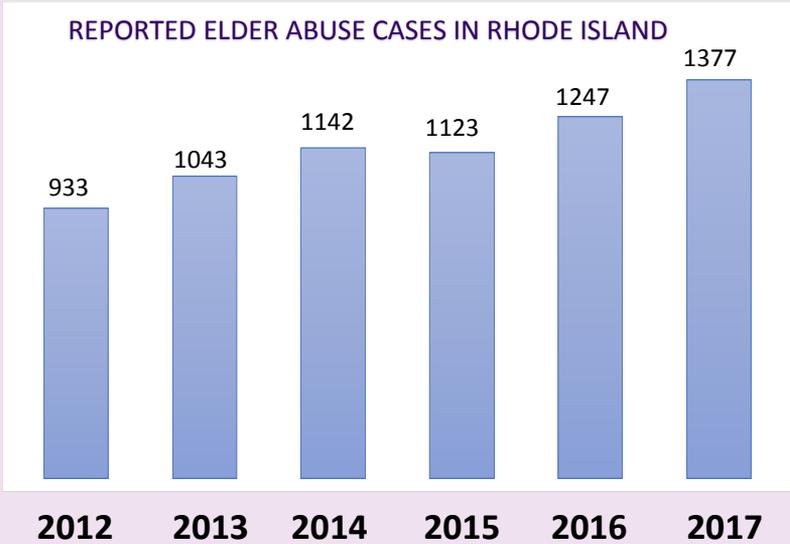


**A study by the National Academy of Sciences estimated that only 1 in 14 cases of abuse are reported to authorities. If this is the case, incidences of abuse in Rhode Island could be as high as 19,279 or more.**

National Research Council. (2003). *Elder Mistreatment: Abuse, Neglect, and Exploitation in an Aging America*

## 2012-2017 STATISTICS

### RHODE ISLAND STATISTICAL TRENDS



# RHODE ISLAND DIVISION OF ELDERLY AFFAIRS

## Adult Protective Services (APS) Unit



The Rhode Island Division of Elderly Affairs **Adult Protective Services Unit** is responsible for investigating complaints of abuse of Rhode Islanders 60 years of age and older by a family member, caregiver, or person with a duty to care for the elder. Abuse may include physical, emotional, sexual, financial exploitation or abandonment. Self-neglect also is a problem among Rhode Islanders 60 years of age and older.

The Unit also operates the Early Intervention Program, a timely response that includes the assessment of risk and the provision of interventions to reduce and/or eliminate harm in cases where there is a reported element of risk to an older adult.

*The APS Intake Office received 9,627 calls, faxes and referrals in 2017.*

# Adult Protective Services (APS) Unit

APS is budgeted at 11 full-time equivalent positions in State Fiscal Year 2017.

- 1 Administrator
- 1 Casework Supervisor
- 2 Intake Workers
- 1 Self-Neglect Program Coordinator
- 1 Self-Neglect Program Assistant
- 5 Abuse Social Caseworkers



The APS Unit is charged with investigating cases of elder abuse and exploitation. Unlike DCYF caseworkers, **APS caseworkers cannot enter a home without permission, nor can they remove an adult from their home against their will.**

**Adults have the right to make decisions for themselves** until a court finds evidence to the contrary. The Division of Elderly Affairs and our APS caseworks cannot force an adult to accept our services. If an older adult is in imminent danger, law enforcement authorities and/or emergency responders are engaged.

# How to Report Elder Abuse

Abuse & self-neglect can be reported 24 hours a day, 365 days a year by calling **401-462-0555**. Reports can be filed anonymously.

Rhode Island law requires any person who has reasonable cause to believe that a senior has been abused, or is neglecting his or her basic needs, to report such a case to the Division of Elderly Affairs. Failure to report abuse of a person 60 or older can result in a fine of up to \$1,000.



Under Rhode Island law (R.I.G.L. 42-66-10), Division of Elderly Affairs records pertaining to a person reported to be abused, neglected, exploited, or abandoned are confidential and are not deemed public records.

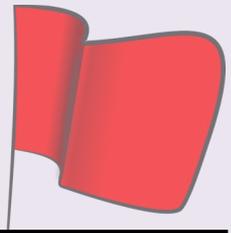
When an elder is in crisis, and/or the victim of violence, the first call should be to law enforcement authorities.

**DIAL 9-1-1**

**APS is not an emergency response unit**

# RED FLAGS of ABUSE

*Does someone you know— a senior or adult with a disability—display any warning signs of mistreatment?*



## >> Neglect

- Lack of basic hygiene, adequate food, or clean and appropriate clothing
- Lack of medical aids (glasses, walker, teeth, hearing aid, medications)
- Person with dementia left unsupervised
- Person confined to bed is left without care
- Home cluttered, filthy, in disrepair, or having fire and safety hazards
- Home without adequate facilities (stove, refrigerator, heat, cooling, working plumbing, and electricity)
- Untreated pressure “bed” sores (pressure ulcers)

## >>Financial Abuse/Exploitation

- Lack of amenities victim could afford
- Vulnerable elder/adult “voluntarily” giving uncharacteristically excessive financial reimbursement/gifts for needed care and companionship.
- Caregiver has control of elder’s money but is failing to provide for elder’s needs
- Vulnerable elder/adult has signed property transfers (Power of Attorney, new will, etc.) but is unable to comprehend the transaction of what it means

## >>Psychological/Emotional Abuse

- Unexplained or uncharacteristic changes in behavior, such as withdrawal from normal activities, unexplained changes in alertness, other
- Caregiver isolates elder (doesn’t let anyone into the home or speak to the elder)
- Caregiver is verbally aggressive or demeaning, controlling, overly concerned about spending money, or uncaring

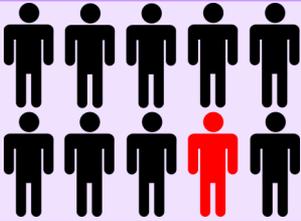
## >>Physical/Sexual Abuse

- Inadequately explained fractures, bruises, welts, cuts, sores or burns
- Unexplained sexually transmitted diseases

# ELDER ABUSE AND ITS IMPACT

MORE THAN **41 MILLION**

AMERICANS ARE 65 OR OLDER, AND ELDERS COMPROMISE A GROWING PROPORTION OF THE U.S. POPULATION



**1 in 10** AMERICANS AGE 60+ EXPERIENCED ABUSE OVER ONE YEAR, AND MANY EXPERIENCED IT IN MULTIPLE FORMS

NEARLY **1 in 2** PEOPLE WITH DEMENTIA EXPERIENCE SOME FORM OF ABUSE BY OTHERS

## ELDER ABUSE IS *underreported.*

The New York State Elder Abuse Prevalence Study found that for every elder abuse case known to programs and agencies, **23.5** were unknown. In the same study, they examined different types of abuse and found for each case of financial exploitation that reached authorities, **44** cases went unreported. The National Elder Abuse Incidence Study estimated that only 1 in 14 cases of elder abuse ever comes to the attention of authorities.



ELDER ABUSE COSTS VICTIMS *billions of dollars*

**EACH YEAR.** The annual financial loss by victims of elder financial exploitation was estimated to be **\$2.9 billion** in 2009, a 12% increase from the prior year.

# What you must know

Research from the National Center on Elder Justice

[www.ncea.aoa.gov](http://www.ncea.aoa.gov)

ELDER ABUSE IS ASSOCIATED WITH *increased rates* OF HOSPITALIZATION IN THE COMMUNITY POPULATION.



Older adults who experienced abuse or neglect were **twice as likely** to be hospitalized than other seniors.

ELDERS WHO EXPERIENCE MISTREATMENT AND SELF-NEGLECT FACE A *greater risk* OF DYING SOONER



SURVIVORS OF ELDER MISTREATMENT SUFFER *significantly higher levels* OF PSYCHOLOGICAL DISTRESS THAN NON-VICTIMS.

## *In conclusion ...*

More research is needed, but it is clear that elder abuse is a major public health problem with significant impact on millions of people. This information provides a common reference point for professionals and the public to use when discussing the problem of elder abuse.

# WHAT IS THE LONG-TERM CARE OMBUDSMAN PROGRAM?

Under the federal Older Americans Act (OAA) every state is required to have an Ombudsman Program that addresses complaints & advocates for improvements in the long-term care system. The Ombudsman advocates for residents of nursing homes, assisted living facilities and other similar adult care facilities. State Ombudsman work to resolve problems individual residents face and effect change at the local, state and national levels to improve quality of care.

The Office of the Rhode Island Long Term Care Ombudsman released the following program statistics for Federal Fiscal Year 2017

Ombudsmen always attempt to verify complaints, but they work to resolve a complaint to the residents satisfaction, whether it is verified or not.

Location Type	Complaints Received	Verified by Ombudsman
Nursing Facility	416	200
Assisted Living	78	41
Other Setting	9	3

The Administration for Community Living defines verified as, "it is determined after work (interviews, records inspection, observation, etc.) that the circumstances described in the complaint are generally accurate.

Through a grant from the RIDEA, the Long-Term Care Ombudsman Program is housed at the **Alliance for Better Long Term Care**, 422 Post Road, Warwick, RI, 02888.

Phone: (401) 785-3340; Toll-free: 1-888-351-0808;  
[www.alliancebltc.com](http://www.alliancebltc.com)

# Quality, Individualized Care

Quality care promotes resident dignity, choice, and self-determination in all aspects of life and care.

## SIGNS OF QUALITY CARE

Facility is clean, clutter free, smells fresh, and not too hot or cold.

Calls for assistance are responded to quickly and kindly.

Residents appear well groomed, clean, comfortable, alert, happy, and are without visible restraints.

Food looks and smells appetizing.

Staff encourage resident involvement in their care and daily life.

Residents are involved in meaningful activities.

Community is warm and engaging.

## WARNING SIGNS

Facility appears understaffed.

Residents' rights are not respected.

Quality of food declines,

High staff turnover, staff not familiar with residents.

Residents appear bored, inactive, disengaged.

Residents/family members say concerns have not been resolved.

Facility uncomfortable.

Medication errors.

## RED FLAGS

Significant, sudden change in behavior.

Dramatic physical changes

Unexplained injuries

Residents physically restrained and/or overmedicated.

Severe lack of staff

Residents appear unclean, have body odors.

Staff disregard residents and their rights. Complaints ignored.

Missing personal items or funds.

# Rhode Island Volunteer Guardianship Program

Since 2001, the Rhode Island Volunteer Guardianship Program (VGP) has provided Volunteer Guardians to low income, elderly Rhode Islanders who are dementia afflicted and in need of a substitute decision maker for healthcare related purposes.

The RIDEA APS Administrator and Senior Legal Counsel oversee the recruitment and training of volunteer guardians who help Rhode Island's frail elderly make important healthcare decisions. They are also responsible for coordinating the services of pro bono attorneys who will assist in establishing legal guardianships for at-risk elders in the program.



The program has served hundreds of Rhode Island's elders since its inception sixteen years ago. To be eligible for VGP services, a participant must be a Rhode Island resident of at least 60 years of age and without family or friends willing to make health care and related decisions on his or her behalf. The elder must be medically determined to be cognitively impaired and, therefore, in need of a surrogate decision maker. Annual income must meet certain financial guidelines.

For more information about the Volunteer Guardianship Program, or to volunteer, call (401) 462-3293.

# **Saint Elizabeth Haven for Elder Justice**

The Haven For Elder Justice is a program administered by Saint Elizabeth Community. The shelter was initiated in 2009 and is the state's only dedicated safe shelter for frail elders who are mistreated or abused. Working with an array of social services, state agencies, law enforcement agencies, the Haven also provides services in the community to abused elders or those at risk of abuse.

## **The Haven For Elder Justice Program**

- provides a shelter program for elders in need of a safe place to stay while working on a plan with an elder Justice Advocate to return safely to the community or enter a long term care facility;
- provides community-based case management, intervention and advocacy services for abused elders who do not wish to enter the shelter but are in need of significant specialized case management and safety services;
- provides education and training programs about elder abuse and safety planning to a cross section of professionals, elders and their families, volunteers and students.

**For more information about the Haven for Elder Justice, please call 739-2844.**

**To make a referral to the Haven, please call the Division of Elderly Affairs at 462-0555 or call the Saint Elizabeth Haven 24-hour line at 1-877-613-7010.**

# Additional Resources

## **The POINT Network**

brings together information, referral, and long-term care options counseling, as well as the most effective health care service and service delivery under one roof.

401-462-4444

[www.dea.ri.gov](http://www.dea.ri.gov)

## **The Rhode Island Office of Attorney General, Elder Abuse Prosecution Unit**

investigates and prosecutes crimes committed against persons 60 and older.

401-274-4400, x2383

[www.riag.state.ri.us](http://www.riag.state.ri.us)

## **The Commission for the Safety & Care of the Elderly**

works with fire & police advocates in each community.

401-462-3000

[www.dea.ri.gov](http://www.dea.ri.gov)

## **The Rhode Island Coalition Against Domestic Violence**

works to eliminate domestic violence in RI.

24/7 Helpline 1-800-494-8100

[www.ricadv.org](http://www.ricadv.org)

The Rhode Island Division of Elderly Affairs is the state unit on aging, charged with preserving the independence, dignity, and capacity for choice for seniors, adults with disabilities, families and caregivers.



# Rhode Island Office of the Attorney General

## Elder Abuse Unit

January 23, 2019

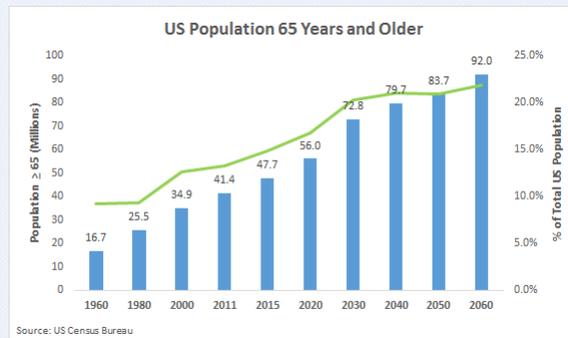
Attorney General, State of Rhode Island

1

## United States is an Aging Population



- 2015: 47.7 million people age 65 and older
- 2060 projected population people age 65 and older is 90 million!



January 23, 2019

Attorney General, State of Rhode Island

2

## Statistics on Elder Abuse



- Abused seniors are 3 TIMES more likely to die than non-abused seniors.
- Cognitive decline is a risk factor for elder abuse, including financial exploitation.
- Approximately 1 in 10 seniors is abused each year.
- Elder abuse is dramatically underreported. Only 1 in every 23 cases is reported to Adult Protective Services.

Source: Dept. of Justice, Elder Justice Initiative

## Forms of Elder Abuse



- Financial Exploitation
- Physical Abuse
- Emotional/Psychological
- Sexual Abuse
- Abandonment
- Neglect

## Financial Abuse



- Scams
  - Lottery, Sweepstakes Scams
  - Grandparent Scam
  - Work from Home Schemes
  - Tax Scams
  - Phishing Scams
  - Romance Scams

January 23, 2019

Attorney General, State of Rhode Island

5

## Elder Abuse Unit Statistics



- 2018-
  - 125 Superior Court cases opened
  - 126 Disposed cases
  - Resulting in a total of 32.5 years to serve
  - \$185,035.18 ordered in restitution

January 23, 2019

Attorney General, State of Rhode Island

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## Rhode Island General Laws



- Title 11, Criminal Offenses
- Title 42-9.2, Office of the Elder Justice Prosecution Unit

## Moving Forward



- Preventative Education
  - Older Adults
  - Medical Professionals, including home health aides
  - Law Enforcement
  - Evaluation of Current Laws
    - Banking Rules and Regulations
    - National Background Checks
    - Probate Courts
  - Information sharing among relevant agencies and providers



Molly Kapstein Cote  
Special Assistant Attorney General  
(401) 274-4400, ext. 2032  
[mcote@riag.ri.gov](mailto:mcote@riag.ri.gov)

Mickaela Driscoll  
Elder Abuse Investigator  
(401) 274-4400, ext. 2383  
[mdriscoll@riag.ri.gov](mailto:mdriscoll@riag.ri.gov)

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# **SPECIAL TASK FORCE TO STUDY ELDERLY ABUSE AND FINANCIAL EXPLOITATION**

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## **NOTICE OF MEETING**

**DATE:** Wednesday, February 6, 2019

**TIME:** 2:30 - 4:00 P.M.

**PLACE:** Room 313 - State House

### **AGENDA:**

- I. Opening remarks
- II. Presenters:
  - Corporal Anthony Commendatore and Investigator Lori Tellier, Financial Crimes Unit, Rhode Island State Police
  - Randall Sacilotto, Vice President of Community Development, and Stephen Ormerod, Vice President of Security, Navigant Credit Union
  - Jared B. Wilbur, Vice President, Corporate Security Governance Officer, The Washington Trust Company
- III. Closing remarks
- IV. Adjourn

**No public comment will be taken at this time.**

Please contact Molly McCloskey at [mmccloskey@rilegislature.gov](mailto:mmccloskey@rilegislature.gov) with any questions.

**POSTED: FRIDAY, FEBRUARY 1, 2019, 10:20 A.M.**



RI State Police  
Financial Crimes Unit

Rhode Island State Police  
Financial Crimes Unit

- Sgt. Matthew Salisbury
- Cpl. Anthony Commendatore
- Det. James Brown, Esq., CFE
- Det. Courtney Elliott, CFE
- Det. Conor O'Donnell
- Inv. Gerard Ratigan, Esq., CFE
- Inv. Lori A. Tellier, CPA, CFE
- CCC Karen Soderi

## Financial Crimes Unit

- Financially motivated crimes such as embezzlement, obtaining money or property under false pretenses, identity theft, fraudulent use of a credit card, **Elder Exploitation**, etc....
- Politically motivated crimes such as bribery, extortion, bid rigging, etc.

## CASE STUDY

Headquarters  
Account Report

Page: 1  
02/06/2019

Account #: 18R221-679-AM  
Warrant #: 18R221-379-0A  
Incident #: 18R221-2631-0P

Call/Inp Request#: 02/02/2019 # 1011  
Account Activation#: 02/02/2019 # 1012  
Booking Date/Time: 02/02/2019 # 1013  
Incar # : 18R221-179-0A

Court: 024 District Court Room 41  
Supporting Offices: Computer Services, Communications  
Assisting Offices: Detective Services, I&O/CCO  
Assurance Offices: Detachment, Detachment

Signature: 

OFFENSE(S)	REV	BACK	LOC	ESD	SCORE
1. HARBOR, WASH # 18 R221 27 Rev. 48 WEST WASH/ST 0183			W	24	813

Military Active Duty #  
MILITARY SERVICE NUMBER: 001010101  
MILITARY BRANCH: 001010101  
MILITARY SERVICE NUMBER: 001010101  
MILITARY BRANCH: 001010101

INFORMATION

OFFENSE(S)	ACTING/ED	TITLE
1. EXPLOITATION OF AN ALDER 18 R221 27 Rev. 48 WEST WASH/ST 0183		W
2. FRAUD OF COMMERCIAL CREDIT/INSTRUMENTS 18 R221 27 Rev. 48 WEST WASH/ST 0183		W
3. FRAUD OF COMMERCIAL CREDIT/INSTRUMENTS 18 R221 27 Rev. 48 WEST WASH/ST 0183		W

Headquarters  
Arrest Report

Page: 2  
02/06/2019

Arrest #: 18RIK1-672-AR  
Warrant #: 18RIK1-379-WA  
Incident #: 18RIK1-2634-DF

OFFENSE(S)	ATTEMPTED	TYPE
4 COMMONS ARREST 11-82-2	N	Felony
5 LAUNDRY V BARRS AS ON TRASH 11-82-10B	N	Felony

VIEWER(S)	SEX	RACE	AGE	DOB	PROB
1 [REDACTED] MIST NUMBER AT 0315	F		91		NOT ARREST

DOB: [REDACTED]  
RESIDENCY: P.O. of Hispanic Origin  
RESIDENCY STATUS: Resident  
VIOLENCE CONNECTED TO OFFENSE NUMBER (S): 1 2 3 4 5

OTHER PROPERTIES	PROPERTY #	STATUS
1 CHECKBOOK NUMBER: 1 SERIAL #: NOT AVAILABLE ISSUE: 10/09/2018	VALUE: \$3.00	Seized
2 PHONE NUMBER: 81 SERIAL #: NOT AVAILABLE ISSUE: 02/08/2018	VALUE: \$1.00	Confiscated/Seized

Attachments for 18RIK1-672-AR

Description	Type
Media: [REDACTED] Attachment: E810C90337A4EAB85A78E03088E27FE	Media

- Locard's exchange principle
- In forensic science, Locard's exchange principle holds that the perpetrator of a crime will bring something into the crime scene and leave with something from it, and that both can be used as forensic evidence.....



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
CORRECTIONS DEPARTMENT

**CRIMINAL CASE ACTION/WARRANT FOR COMMITMENT**

Warwick

DEFENDANT: **DINO MARINI** Date of Birth: 07/19/1977 STARR ID:  APPEARS  DOES NOT APPEAR

ADDRESS: **10 FAWCETT ST WEST WARWICK, RI 02891** CASE NUMBER: **K2-2019-0029A** ACTION DATE: **6/18/2019**

DEFENDANT ATTORNEY: **Stephen Mark Palmer** JUDICIAL OFFICER: **MICHELE BURNETT** CLEAR: **11/2**

HEARING	RESULT	CONTINUED FOR OR BEFORE	CONTINUED DATE
		<i>Ret to Warr. Ct</i>	

Not Guilty (ANG)  Guilty (AGL)  Guilty Contemner (ANG)

Referred to Public Defender (RPD)  Referred to Prosecutor (RPV)  FUTURE NOTICE ISSUED

RAIL STATUS:  AMOUNT:  COMMENTS:

PERSONAL RECOGNIZANCE:  SURETY:  CASH:

HELD WITHOUT RAIL:  OTHER HOLD:  RELEASE CASH HOLD:  RELEASE HOLD:

COMMITTED:  REMANDED TO:  Adult Correctional Institution  Department of Behavioral Health, Developmental Disabilities, and Hospitalization

WARRANT ISSUED:  VIOLATION REPORT FILED (VRF)  VIOLATION REPORT WITHDRAWN (VRW)  WALK ON:  S:  S:

PERMANENT REPORT WAIVED (PRW)  CHANGE OF P.B.A. (RNG)  CHANGE ABANDONED WITH CONSENT OF DEFENDANT (CCAW)  NONJURY TRIAL  JURY TRIAL  PRESENTENCE REPORT ORDERED (POR) AND DUE ON:

COPIES	LEADS	SEARCHED	INDEXED	FULL	FILED	PROCESSED	COMPLETED	DATE	BY
1	1	1	1	1	1	1	1	6/18/19	by [signature]

REMARKS: *Order for fine, scales, and change of day.*

REMARKS: *Retention over to [redacted]*

Exploitation of an Elder - 500

SC-CR-CMS-16 (revised November 2016) Scanned  Scheduling



## **RHODE ISLAND STATE POLICE CONTACT INFORMATION**

**Cpl. Anthony Commendatore**

**401-764-5148**

**[Anthony.Commendatore@risp.gov](mailto:Anthony.Commendatore@risp.gov)**

**Inv. Lori A. Tellier**

**401-764-5369**

**[Lori.Tellier@risp.gov](mailto:Lori.Tellier@risp.gov)**

# TITLE 11

## Criminal Offenses

### CHAPTER 11-68

#### Exploitation of Elders

#### SECTION 11-68-1

##### § 11-68-1. Definitions.

As used in this chapter:

- (1) "Business relationship" means a relationship between two (2) or more individuals or entities where there exists an oral or written contract or agreement for goods or services.
- (2) "Caregiver" means a person who has been entrusted with or has assumed responsibility for the care or the property of an elder person. Caregiver includes, but is not limited to, relatives, court-appointed or voluntary guardians, adult household members, neighbors, health care providers, and employees and volunteers of elder care facilities.
- (3) "Deception" means misrepresenting or concealing a material fact relating to:
  - (i) Services rendered, disposition of property, or use of property, when such services or property are intended to benefit an elder person; or
  - (ii) Terms of a contract or agreement entered into with an elder person; or
  - (iii) An existing or preexisting condition of any property involved in a contract or agreement entered into with an elder person; or
  - (iv) Using any misrepresentation, false pretense, or false promise in order to induce, encourage or solicit an elder person to enter into a contract or agreement.
- (4) "Elder person" means a person sixty-five (65) years of age or older.
- (5) "Intimidation" means the communication by word or act to an elder person that the elder person will be deprived of food, nutrition, clothing, shelter, supervision, medicine, medical services, money, or financial support or will suffer physical violence.
- (6) "Lacks capacity to consent" means an impairment by reason of mental illness, developmental disability, organic brain disorder, physical illness or disability, short-term memory loss, or other cause, that causes an elder person to lack sufficient understanding or capacity to make or communicate reasonable decisions concerning the elder person's person or property.
- (7) "Position of trust and confidence" with respect to an elder person means the position of a person who:
  - (i) Is a spouse, adult child, or other relative by blood or marriage of the elder person;
  - (ii) Is a joint tenant or tenant in common with the elder person;

- (iii) Has a legal or fiduciary relationship with the elder person including, but not limited to, a court-appointed or voluntary guardian, trustee, attorney, or conservator;
- (iv) Is the caregiver of the elder person; or
- (v) Is any other person who has been entrusted with or has assumed responsibility for the use or management of the elder person's funds, assets, or property.

**History of Section.**

(P.L. 2008, ch. 161, § 2; P.L. 2008, ch. 204, § 2.)

# TITLE 11

## Criminal Offenses

### CHAPTER 11-68

#### Exploitation of Elders

#### SECTION 11-68-2

##### § 11-68-2. Exploitation of an elder.

(a) A person is guilty of exploitation of an elder person if that person:

(1) Knowingly, by deception or intimidation, obtains or uses, or endeavors to obtain or use, an elder person's funds, assets or property with the intent to temporarily or permanently deprive the elder person of the use, benefit, or possession of the funds, assets or property, or to benefit someone other than the elder person by a person who:

(i) Stands in a position of trust and confidence with the elder person; or

(ii) Has a business relationship with the elder person; or

(2) Knowingly, by deception or intimidation, obtains or uses, endeavors to obtain or use, or conspires with another to obtain or use an elder person's funds, assets, or property with the intent to temporarily or permanently deprive the elder person of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elder person, by a person who knows or reasonably should know that the elder person lacks the capacity to consent.

(b) Any person who shall exploit an elder person as defined in this chapter shall be guilty of a felony.

History of Section.

(P.L. 2008, ch. 161, § 2; P.L. 2008, ch. 204, § 2.)

# TITLE 11

## Criminal Offenses

### CHAPTER 11-68

#### Exploitation of Elders

#### SECTION 11-68-3

##### § 11-68-3. Penalties for violations.

(a) Any person convicted of exploiting an elder person as provided under this chapter shall be punished as follows:

(1) If the funds, assets, or property involved in the exploitation of the elder person are valued at less than five hundred dollars (\$500), the person shall be subject to imprisonment for not more than five (5) years or by a fine of not more than five thousand dollars (\$5,000) or both.

(2) If the funds, assets, or property involved in the exploitation of the elder person are valued at five hundred dollars (\$500) or more, but less than one hundred thousand dollars (\$100,000), the person shall be subject to imprisonment for not more than fifteen (15) years or by a fine of not more than ten thousand dollars (\$10,000) or both.

(3) If the funds, assets, or property involved in the exploitation of the elder person are valued at one hundred thousand dollars (\$100,000) or more, the person shall be subject to imprisonment for not more than thirty (30) years or by a fine of not more than fifteen thousand dollars (\$15,000) or both.

History of Section.

(P.L. 2008, ch. 161, § 2; P.L. 2008, ch. 204, § 2.)

# TITLE 11

## Criminal Offenses

### CHAPTER 11-41

### Theft, Embezzlement, False Pretenses, and Misappropriation

#### SECTION 11-41-1

##### § 11-41-1. Stealing as larceny.

Every person who shall steal any money, goods, or chattels, or any note of the general treasurer of this state for the payment of money, any bank bill, any certificate of any bank or of any public officer or corporation securing the payment of money to any person or certifying it to be due, any certificate of stock in any corporation, any order entitling a person to money or other article, or any bill of exchange, bill of lading, railroad ticket, bond, warrant, obligation, bill, or promissory note for the payment of money, or other valuable property, or any record or paper belonging to any public officer, or any writ, warrant, or other legal process, or any book or part of one containing an account, any receipt for money or other article paid or delivered, any adjustment or document of any kind relating to the payment of money or delivery of any article, any indenture of apprenticeship, or any deed, covenant, indenture, or assurance whatsoever respecting any property, real or personal, shall be deemed guilty of larceny.

##### History of Section.

(G.L. 1896, ch. 279, § 11; C.P.A. 1905, § 1172; G.L. 1909, ch. 345, § 11; P.L. 1915, ch. 1258, § 10; G.L. 1923, ch. 397, § 11; G.L. 1938, ch. 608, § 11; G.L. 1956, § 11-41-1.)

# TITLE 11

## Criminal Offenses

### CHAPTER 11-41

#### Theft, Embezzlement, False Pretenses, and Misappropriation

#### SECTION 11-41-4

**§ 11-41-4. Obtaining property by false pretenses or personation.**

Every person who shall obtain from another designedly, by any false pretense or pretenses, any money, goods, wares, or other property, with intent to cheat or defraud, and every person who shall personate another or who shall falsely represent himself or herself to be the agent or servant of another and shall receive any money or other property intended to be delivered to the person so personated, or to the alleged principal or master of that agent or servant, shall be deemed guilty of larceny.

**History of Section.**

(G.L. 1896, ch. 279, §§ 14, 15; C.P.A. 1905, § 1174; G.L. 1909, ch. 345, §§ 14, 15; P.L. 1915, ch. 1258, § 10; G.L. 1923, ch. 397, § 15; G.L. 1938, ch. 608, § 15; G.L. 1956, § 11-41-4.)

# TITLE 19

## Financial Institutions

### CHAPTER 19-9

#### Community Obligations and Banking Offenses

#### SECTION 19-9-24

##### § 19-9-24. Fraudulent checks – Small amounts.

- (a) Any person who purchases any goods, materials, or services, makes payment for that purchase by check, draft, or order for payment of money, and takes possession of the goods or materials, or has the benefit of the service, and who subsequently orders payment stopped on the check, draft, or order for payment, or who, with intent to defraud, makes, draws, utters, or delivers any check, draft, or order for the payment of money, in an amount not exceeding one thousand five hundred dollars (\$1,500), upon any regulated institution or other depository, knowing at the time of making, drawing, uttering, or delivering that the maker or drawer has not sufficient funds in, or credit with, that regulated institution or other depository for the payment of that check, draft, or order, in full, upon its presentation, shall, upon conviction, be fined not more than five hundred dollars (\$500), or be imprisoned not exceeding one year, or may be subjected to both fine and imprisonment.
- (b) With regard to the purchase of any goods or materials, it shall not be in violation of this section if goods or materials are returned to the vendor within three (3) business days of the filing of the stop payment order.
- (c) The word "credit" means an arrangement or understanding with the regulated institution or other depository for the payment of the check, draft, or order.
- (d) Any person violating any of these provisions may be prosecuted and proceeded against in any judicial district or in any county in which the offense was committed, or in which the check, draft, or order was uttered or delivered.

##### History of Section.

(P.L. 1995, ch. 82, § 47; P.L. 2012, ch. 137, § 2; P.L. 2012, ch. 176, § 2.)

# TITLE 19

## Financial Institutions

### CHAPTER 19-9

#### Community Obligations and Banking Offenses

#### SECTION 19-9-25

##### § 19-9-25. Fraudulent checks – Large amounts.

- (a) Any person who purchases any goods, materials, or services, pays for that purchase by check, draft, or order for payment of money, and takes possession of the item, and who subsequently orders payment stopped on the check, draft, or order for payment, or who, with intent to defraud, makes, draws, utters, or delivers any check, draft, or order for the payment of money, in an amount exceeding one thousand five hundred dollars (\$1,500), upon any regulated institution or other depository, knowing at the time of making, drawing, uttering, or delivering that the maker or drawer has not sufficient funds in, or credit with, that regulated institution or other depository for the payment of the check, draft, or order, in full, upon its presentation, shall, upon conviction, be fined not more than two thousand dollars (\$2,000), or be imprisoned not more than two (2) years, or may be subjected to both fine and imprisonment.
- (b) With regard to the purchase of any goods or materials, it shall not be in violation of this section if goods or materials are returned to the vendor within three (3) business days of the filing of the stop payment order.
- (c) The word "credit" means an arrangement or understanding with the regulated institution or other depository for the payment of the check, draft, or order.
- (d) Any person violating any of these provisions may be prosecuted and proceeded against in any judicial district or in any county in which the offense was committed, or in which the check, draft, or order was uttered or delivered.

##### History of Section.

(P.L. 1995, ch. 82, § 47; P.L. 2012, ch. 137, § 2; P.L. 2012, ch. 176, § 2.)

# TITLE 19

## Financial Institutions

### CHAPTER 19-9

#### Community Obligations and Banking Offenses

#### SECTION 19-9-26

##### **§ 19-9-26. Prima facie evidence of intent to defraud – Prosecutions.**

The following shall be prima facie evidence of intent to defraud within the meaning of §§ 19-9-24 and 19-9-25 as against the maker or drawer: the making, drawing, uttering, or delivering of a check, draft, or order for the payment of money upon any regulated institution or other depository, payment of which is refused by the drawee for the reason that the maker or drawer has not sufficient funds in, or credit with, the regulated institution or other depository for the payment of the check, draft, or order in full upon its presentation, or for the reason that the maker or drawer has stopped payment on a check, draft, or order for the payment of money for the purchase of any goods, materials or service; provided, however, that these shall not be prima facie evidence of intent to defraud if the maker or drawer shall pay the check, draft, or order, or deposit and leave with the drawee for its payment the amount due thereon within seven (7) days after the receipt of written notice from the payee by certified mail, return receipt requested, at the last address of the maker or drawer which is available in the records of the payee.

If the check, draft, or order has not been paid within seven (7) business days after the maker or drawer receives written notice by certified mail, return receipt requested, or if there is a return of the notice undelivered and the payee presents an affidavit containing facts within the payee's own knowledge that the maker or drawer was not residing at the last address available in the records of the payee, the payee shall forthwith notify the prosecuting officer of the city or town where the check, draft, or order was written of that fact and the prosecuting officer shall prosecute all violations of §§ 19-9-24, 19-9-25, and 19-9-26 within ten (10) business days of the notice.

History of Section.

(P.L. 1995, ch. 82, § 47.)

## **Top 10 Financial Scams Targeting Seniors**

1. Medicare/health insurance scams
2. Counterfeit prescription drugs
3. Funeral & cemetery scams
4. Fraudulent anti-aging products
5. Telemarketing/phone scams
6. Internet fraud
7. Investment schemes
8. Homeowner/reverse mortgage scams
9. Sweepstakes & lottery scams
10. The grandparent scam

Source: [www.ncoa.org](http://www.ncoa.org)

### **Additional Scams**

1. IRS Imposter Collections
2. Romance Scams
3. Tax ID Theft
4. Government Grant Scams
5. Charity Scams

## **FAST Program in Kansas Office of the District Attorney in the 18<sup>th</sup> Judicial District**

The FAST is a collaboration among concerned community members and the district attorney, law enforcement, and social agencies to address the growing problem of financial abuse of elders.

### **DEVELOPING THE FAST PROGRAM**

Kansas, like other states, has a growing elder population. The U.S. Census Bureau projects that more than 62 million Americans will be 65 or older in 2025 – up 78 percent from 2001, according to the Sept. 21, 2004 USA Today article, "Special Report: Havens for Elderly May Expose Them to Deadly Risks," by Kevin McCoy and Barbara Hansen. The number of Americans 85 or older is expected to top 7.4 million in 2025 – an increase of nearly 68 percent from 2001.

A minimum of one in nine Americans older than age 60 have experienced some form of elder abuse. Some estimates range as high as 5 million elders being abused each year, according to "Facts About Elder Abuse in the United States," published by the group, Elder Justice Now (<http://http://elderjusticenow.org/>).

1. Recruit team members from known areas of specialty such as CFEs, CPAs, bankers, attorneys, and mental health experts.
2. Ensure that those added to the team to augment law enforcement efforts have special expertise in financial, legal, and health matters and a clear purpose.
3. Create a three-tiered approach: consultation, assistance, and public education.

I immediately recruited four CFEs: two had worked in law enforcement and two were also CPAs. Their expertise would be essential to the success of the program.

To ensure a productive unit, our goal was to involve law enforcement agencies responsible for investigating the cases, which included local police, sheriff offices, the Kansas Bureau of Investigations, the FBI, and others. Ultimately, all agencies were eager to participate because they knew this was an opportunity to build new resources.

We critically needed the support and assistance of SRS/APS because its social workers are on the front lines of investigations and can notify law enforcement when they uncover allegations of fraud or abuse.

In the past, social service workers weren't always able to recognize crimes and often made basic criminal investigation mistakes such as interviewing victims with suspects present, interviewing multiple witnesses together, and not understanding bank statements. But case investigations improved greatly when the social service workers were teamed side by side with CFEs, detectives, and prosecutors.

### **ACFE Fraud Magazine Article**

*Dana Gouge ([mailto:dgouce@sedgwick.gov](mailto:dgouge@sedgwick.gov))*, CFE, is deputy chief of investigations for the Office of the District Attorney Nola Foulston in the 18th Judicial District of Kansas.

What makes someone a target for financial exploitation? Here are some situations that may make someone vulnerable:

- Lives alone
- Diminished eyesight
- Memory loss/dementia
- Restricted mobility
- Must rely on friends, relatives, or private help
- Needs assistance with medications
- Can't drive or carry groceries from the car

Once you've identified a vulnerable target, look for the red flags that might indicate that the elder has been exploited:

- The address has changed one or more times after a long period of stability.
- The telephone number changes or becomes unlisted.
- The bank accounts change in any way.
- Bills are delinquent.
- Financial information isn't readily available.
- Alertness is diminishing from visit to visit, indicating medications probably have been changed.
- Visitation patterns to church or old friends are changing.
- Caregivers or those giving medications are now handling finances.
- Caregivers, neighbors, or relatives are becoming overly attentive.
- The vulnerable person has just one (possibly dominating) caregiver/companion
- The caregiver/companion is overly accommodating.

### Methods to Query About Financial Affairs

A financial exploiter works to isolate the vulnerable elder to make the elder totally dependent on the exploiter. When family, friends, social workers, or fraud examiners suspect someone is exploiting an individual, queries must be both tactful and persistent. However, superficial examinations often show nothing because the vulnerable person has been intimidated, "befriended," and often threatened by the perpetrator. Here are actions you should take:

- Interview the vulnerable elder apart from caregivers or companions to obtain any valuable information.
- Visit the elder numerous times to gain the elder's trust and give him or her emotional support.
- Respect the elder's privacy, but engage in more than superficial chitchat and polite answers to go beyond the typical conversation content of older people.
- Find out if the elder is receiving banking or bill-paying assistance and who helps, how often and how long the system has been in place, and if the elder reviews what the helper does.
- Discover where the elder's mail is delivered, if someone else collects his or her mail, and if the mailing address has changed recently. (Ask for copies of old tax returns or bank statements to check for changes in address or banks.)
- Determine if the elder ever signs blank checks, if anyone else has signing authority on any bank accounts, and if original checks accompany the bank statements. (Fan the checks to see if signatures are consistent with the persons authorized to sign.)

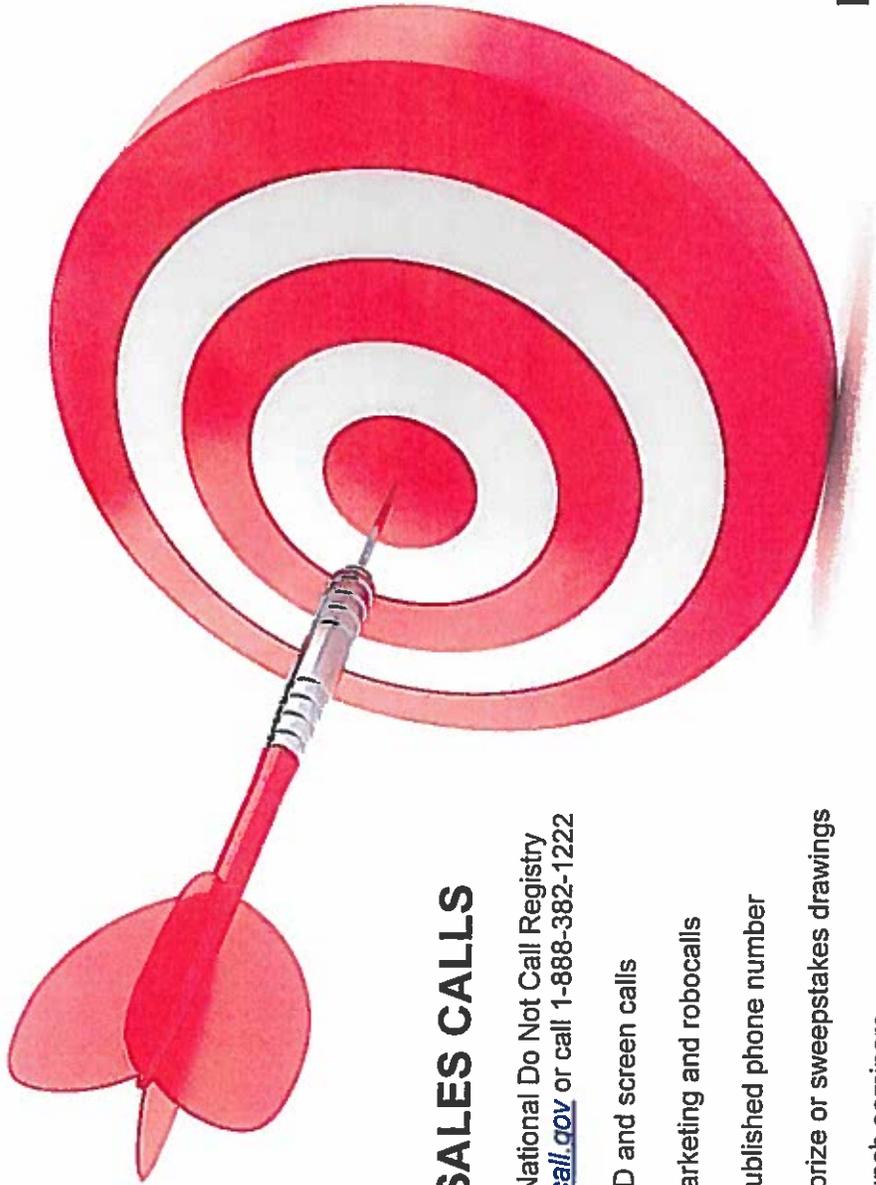
- Find out where the elder keeps financial information, who has access to this information if he or she is being cared for, and if caregivers have access to this information when the elder is napping or away.
- Find out if the elder's activity, church friends, and patterns of attendance have changed, or if the elder's personality has changed, and, if so, when it changed.
- Discern where the elder met his or her "trusted friend," how long he or she has known the person, and if the acquaintance was through a "chance" meeting.

(Source: "Financial Exploitation of Elders (<http://www.acfe.com/resources/view.asp?ArticleID=164>)" by Linda L. Saunders, CFE, CPA, in the July/August 2001 issue of *Fraud Magazine*.)

## Online Resources

- [www.aarp.org/money/scams-fraud/](http://www.aarp.org/money/scams-fraud/)
  - They have a free Fraud Watch Network
- [www.IdentityTheft.gov](http://www.IdentityTheft.gov)
- [www.AnnualCreditReport.com](http://www.AnnualCreditReport.com)
- [www.OnGuardOnline.gov](http://www.OnGuardOnline.gov)
- [www.StopFraud.gov](http://www.StopFraud.gov)
- [www.NCOA.org](http://www.NCOA.org) National Council on Aging
- [www.preventelderabuse.org](http://www.preventelderabuse.org) National Committee for the Prevention of Elder Abuse
- [www.ftc.gov](http://www.ftc.gov) Federal Trade Commission
- [www.elderjusticenow.org](http://www.elderjusticenow.org)
- [www.napsa-now.org](http://www.napsa-now.org) National Adult Protective Services Assn.
- [www.fdic.gov/consumers/consumer/moneysmrt/olderadult](http://www.fdic.gov/consumers/consumer/moneysmrt/olderadult)

# YOU MAY BE A TARGET, BUT YOU DON'T HAVE TO BE THE VICTIM OF A SCAM



## EVERYONE OVER 65 SHOULD DESIGNATE

- Power of Attorney
- Representative Payee
- Health Care Proxy
- Advance Directive
- Direct Deposit
- Peer Support

## LIMIT SALES CALLS

Get on the National Do Not Call Registry  
[www.donotcall.gov](http://www.donotcall.gov) or call 1-888-382-1222

- Use Caller ID and screen calls
- Block telemarketing and robocalls
- Get a non-published phone number
- Don't enter prize or sweepstakes drawings
- Avoid free lunch seminars
- Never respond to internet offers

## HELP & INFORMATION

Federal Deposit Insurance Corporation  
[www.fdic.gov](http://www.fdic.gov)  
Money Smart for Older Adults

Federal Trade Commission  
[www.ftc.gov](http://www.ftc.gov)

U.S. Postal Inspection Service  
[www.postalinspectors.uspis.gov](http://www.postalinspectors.uspis.gov)  
1-877-876-2455



If it involves the mail, it involves the U.S. Postal Inspection Service.  
For more information on mail fraud and how to avoid it,  
visit [DeliveringTrust.com](http://DeliveringTrust.com)

# Elderly Exploitation – Case Studies

## Intervention failures:

- **Seventy-nine-year-old female**
  - Would transfer funds from another financial institution
  - Funds subsequently would be withdrawn via check by family members
    - Attempts to discuss with the member resulted in familiar push-back **“It’s my money”**.
    - Several attempts of additional intervention by AG’s office
      - AG’s office suspected she had gone through upwards of \$1 million
- **Ninety-three-year-old male**
  - Sold home and had proceeds transferred to checking account
  - Proceeded to write hundreds of checks in \$10-\$20 amounts to entities promising to help him win a lottery
    - Over an approximately 19-month period, he wrote over \$100k in checks to questionable entities
    - Member would not discuss practices and explained he was running a small hobby/business
    - Family member described him as lucid but was shocked when learning of activity
- **Seventy-seven-year-old female**
  - Met individual online and was lured into believing she was investing in gold - Member claims that someone did meet her at a location in RI.
    - Took equity loan on home to fund purchases
    - Told branch staff, on occasions, that funds were being wired to daughter
      - Contacted daughter who was not helpful
  - Involved a second elder female from another state who was under the same belief
- **Seventy-five-year-old male**
  - Grandparent scheme – Wired \$50k to scammers because he was under the belief that grandson was under arrest for an auto accident in Mexico.
    - Would not listen to branch staff begging him to call grandson
- **Sixty-five-year-old male**
  - If is on the Internet, it must be true.
    - Gold bars waiting for him on dock in NY
      - Wanted \$75k unsecured personal loan and was indignant when it wasn’t approved
    - Cashed \$4100 check and wired funds to “wife” in Ghana.
    - Wanted funds to transport wife from Ghana
- **Seventy-four-year-old female**
  - Closed out all funds in retirement fund
    - Refused any attempts at reason and was completely untruthful
    - We had to refuse to wire \$41k to source we knew to be fraudulent

# Elderly Exploitation – Case Studies

## Success Stories

- **Eighty-eight-year-old female**
  - Clearly confused when attempting to make large cash withdrawal
    - \$40k for new roof
    - \$115k for furniture and yard work
  - Able to reach daughters who were able to monitor accounts
- **Ninety-year-old female**
  - Several questionable attempts to withdraw large sums of cash from accounts
  - Fought any attempts to offer different solutions to carry cash
  - We were contacted by family with similar concerns
  - Able to work with family, physician and attorney to obtain POA

## All's well

- **Seventy-year-old female**
  - Came into large sum of money
  - Wanted to wire significant portion out of the country as a donation and was very secretive about it
  - With help of local law enforcement and Postal Inspection Service, we were able to confirm legitimate transaction

## Conclusions

- Note – These cases are only a sampling of the incidents we know about. They frequently come to our attention because of the dollar amounts.
- Financial institutions walk a very fine line between protecting members/customers and impeding or insulting them.
  - It is their money!
  - Difficult to protect from family preying on them
  - Difficult to protect from strangers preying on them via local or Internet scams
  - Very difficult to deal with mental health issues while trying to protect the member
  - In many cases, declining mental health and advanced technology are a bad mix

## Recommendations

- Training over regulation
  - More publicity that these scams exist
  - More seminars and classes for elders and family
- Funding for experts to help with intervention

Thank you!!

<b>PROCEDURES MANUAL</b>	
<b>SUBJECT:</b>	<b>Elder/Vulnerable Person Abuse Recognition</b>
<b>Area of Responsibility:</b>	<b>Security</b>
<b>Last Revision Date:</b>	<b>March 2018</b>
<b>Last Approval Date:</b>	
<b>Last Published Date:</b>	

**Policy Statement / Purpose:**

The purpose of this policy/procedure is to provide guidelines on how to properly identify possible victims of Elder/Handicapped Exploitation and reporting guidelines.

**Definitions:**

**Elder** – Any person aged 60 and above.

**Vulnerable** – A person with an intellectual disability and/or, deaf or hearing impaired, speech-impaired, blind or visually disabled, seriously emotionally disturbed or orthopedically impaired.

**Abuse** – Physical, sexual and/or emotional abuse of an elderly or vulnerable person.

**Exploitation** - Fraudulent or otherwise illegal, unauthorized or improper act or process of an individual, including, but not limited to, a caregiver or fiduciary, that uses the resources of an elder or vulnerable for monetary or personal benefit, profit, gain, or that results in depriving an elder or vulnerable person of rightful access to, or use of, benefits, resources, belongings, or assets by use of influence, harassment, duress, deception, false representation or false pretenses.

**Self-Neglect** – A pattern of behavior in an elder or vulnerable person that directly, imminently and significantly threatens his/her own health and/or safety. Self-neglect includes, but is not limited to, an inability to provide self with food, water, shelter or safety to the point of establishing imminent risk of any of the harm(s) described in the immediately preceding sentence.

**Considerations:**

Elder or vulnerable persons may be subject to abuse and/or exploitation:

- Socially isolated - lonely;
- Afraid to report or complain;
- Embarrassed;
- Trusting;
- Cognitively and/or physically declining;
- Unaware they are being exploited.

### **Exploiters/Abusers:**

- Family member;
- Acquaintance;
- Fiduciary – (guardian, representative payee or Power of attorney);
- Stranger;
- Caregiver;
- Neighbor;
- Repair persons or contractors;
  - E.g. - Unscrupulous roofers and driveway sealers
- Internet, mail, text or email scammer
  - Unfamiliarity with technology can increase vulnerability.

### **What Does Exploitation Look Like:**

- Misappropriating or mismanaging income or assets;
- Improper or fraudulent use of Power of Attorney or fiduciary authority;
- Obtaining money or property by undue influence, misrepresentation or fraud;
- Signing documents without member's consent;
- Charging excessive rent or fees for services

### **Warning Signs:**

#### **Withdrawal activity:**

- Large cash withdrawals;
  - Member doesn't want to discuss, is cagey or has implausible explanation.
- Increased frequency of withdrawals;
- Increased use of bank checks;
- Increased use of personal checks;
  - Signature is not member's
- Request for debit card not previously issued and increased use of debit card
- Closing of CDs or accounts without regard to penalties

#### **Third party interference:**

- Member wants to add co-signer to accounts;
  - Concerns are if there is not a viable explanation such as their own ability to handle their own banking needs; be especially cautious of non-relative, neighbors, etc.
- Unusual interest by a third-party entering the picture;
  - Third-party wants to handle financial affairs without viable explanation.
- New friend is unusually interested in member's financial affairs;
  - Offers investment advice, appropriate or not
  - New friend begins cashing on us checks.
- Unable to speak to member without interference from third party

**Member concerns:**

- Member exhibits increased confusion about banking and financial issues;
- Does not remember previous transactions or accounts;
- Member frequently calls or visits credit union with financial concerns;
- Member states they are not receiving financial statements;
- Member requests notarization of forms they do not understand;
  - Again, be cognizant of third party influence.
- Member's explanation for unusual financial activity is implausible;
  - Member is withdrawing \$100,000.00 to purchase new furniture
  - Member is wiring \$50,000.00 to attorney because grandson is being detained in a foreign country for a crime.

**Additional concerns:**

- Risky investment or member does not understand investment opportunity;
  - Gold
  - Foreign investment
- Dream opportunities unknown to other family members or caregivers;
  - Eighty-five year old member wants to invest in a gas station.
- Won lottery or prize and needs to send money to claim prize;
- Depositing questionable checks outside of their norm or pattern;
  - Asking for holds to be removed from large checks
- Member states they have been asked for personal and/or banking information.
  - Advise member to never give personal or banking information to unsolicited callers.
- Bogus charities;
- Mystery Shopper
- Bank Examiner Scam
- Work at Home Scam
- Once an elder or vulnerable person has been scammed, they are often targeted for additional scams by the same or new scammers.
  - "Recover your money from the scammers" is another scam.

**These signs don't necessarily mean an elder/vulnerable person is being exploited.**

- A competent elder or vulnerable person can consent to a transaction even if it is a poor choice.
  - E.g. – A competent elder or vulnerable person wants to withdraw \$100,000.00 to purchase a luxury automobile. It may not seem logical, but it is legal as long as there is no intimidation, threat, coercion or question of competency.
  - An example of an exploitative situation would be the same person withdrawing \$100,000.00 to wire to a person that contacted them by phone informing them of a grandson under arrest in a foreign country and needing bail money and legal representation.
    - While this conceivably could happen and the member can insist on making the withdrawal, if they wanted to, we would do our best to confirm the scenario before completing the wire.

**However, if you do suspect any type of abuse or exploitation, there is a duty to report abuse, neglect, exploitation and self-neglect of elderly persons under Rhode Island General Laws Section 42-66-8:**

**§ 42-66-8. Abuse, neglect, exploitation and self-neglect of elderly persons – Duty to report.** Any person who has reasonable cause to believe that any person sixty (60) years of age or older has been abused, neglected, or exploited, or is self-neglecting, shall make an immediate report to the director of the department of elderly affairs, or his or her designee, or appropriate law enforcement personnel. In cases of abuse, neglect, or exploitation, any person who fails to make the report shall be punished by a fine of not more than one thousand dollars (\$1,000)...

Additionally, FinCEN issued advisory FinCEN, FIN-2011-A003 which provided guidance for filing a Suspicious Activity Report (SAR) for “Red Flag” indicators for elderly abuse that is believed to be suspicious activity. Subsequent clarifications were issued.

Finally, it is generally not considered to be a violation of Right to Financial Privacy or Gramm-Leach-Bliley Acts to report suspected abuse as long as account numbers, member numbers and balances are not disclosed.

**If you do suspect any type of abuse or exploitation, the following steps must be taken:**

**Procedures when possible elder/vulnerable person detected:**

- If a situation arises requiring an immediate assessment, call the Chief Security Officer.
  - E.g. – A confused member is attempting to withdraw \$50,000.00 cash and reveals she is having her driveway sealed.
    - Enter brief note in Member Diary to establish continuing patterns and alert other branches.
- [REDACTED]
- Notify Chief Security Officer by email for cases that have been detected through investigation and, while ongoing, don't represent an immediate threat.
  - CSO will begin an immediate investigation to determine if the possible victim is being exploited or abused. If exploitation and/or abuse is determined:
    - CSO will contact Law Enforcement, Department of Elderly Affairs or RIAG Elder Abuse Unit.
    - Trusted family members, guardian or others with substantiated good standing may be contacted if concerns do not arise to exploitation/ abuse levels.
      - Family may be made aware of competency concerns observed when performing or attempting to perform banking activities.
    - CSO will notify Compliance Officer who will direct the creation of a SAR if the situation does meet the standard for reporting.
      - SAR will be followed-up in normal fashion for any other suspicious activity.
  - Initial reporter (BM, ABM, MSR or Teller) should create brief notation in the Member Diary that establishes the reason or concern and to alert other branches in case of any further activity.

# Elder Financial Exploitation

Jared B. Wilbur, CFE  
Vice President, Corporate Security Governance Officer  
The Washington Trust Company

## I. Types

- A. Caregiver/trusted family member
- B. Scammers

## II. Identification and Response

- A. Detection
- B. Investigation
- C. Response

## III. State Specifics

- A. WalletHub: States with the Best Elder-Abuse Protections
- B. Best practices from Connecticut:

## IV. Opportunities

- A. Training
- B. Streamline reporting
- C. Close loop back to reporters
- D. Tools for financial institutions to protect assets
- E. Background checks on caregivers
- F. Awareness for Seniors

## V. Resources:

- A. WalletHub Survey Report:  
<https://wallethub.com/edu/states-with-best-elder-abuse-protection/28754>
- B. SEC Elder Financial Exploitation White Paper:  
<https://www.sec.gov/files/elder-financial-exploitation.pdf>

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# **SPECIAL TASK FORCE TO STUDY ELDERLY ABUSE AND FINANCIAL EXPLOITATION**

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## **NOTICE OF MEETING**

**DATE:** Wednesday, March 6, 2019

**TIME:** 2:30 - 4:00 P.M.

**PLACE:** Room 313 - State House

### **AGENDA:**

- I. Opening remarks
- II. Presenters:
  - Diana H. Noel, Senior Legislative Representative, AARP
  - Mark B. Heffner, Esq., Certified Elder Law Attorney, Heffner & Associates
  - Theresa C. Donovan, CMC, Town Clerk, Narragansett
- III. Closing remarks
- IV. Adjourn

**No public comment will be taken at this time.**

Please contact Molly McCloskey at [mmccloskey@rilegislature.gov](mailto:mmccloskey@rilegislature.gov) with any questions.

**POSTED: FRIDAY, MARCH 1, 2019, 11:00 A.M.**

# NATIONAL EFFORTS TO REFORM GUARDIANSHIP

Rhode Island Special Task force to Study Elderly  
Abuse and Financial Exploitation

March 6, 2019

Presented by: Diana Noel, MPA  
Senior Legislative Representative



## Why Guardianship Reform

- Recent articles have spotlighted many holes in state systems that failed vulnerable adults from abuse and exploitation
- Sixteen states haven't had a revision since the 1980's or earlier.
- Rhode Island's last major revision was in 1992.
- People are living longer and there will be more people in a system that it's not prepared to handle



## **Common Issues Across States**

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- Caregiving
- Funding for Public Guardianship
- Elder Abuse/Financial Exploitation
- Guardian Accountability and Court Monitoring
- Individual Rights
- Less Restrictive Alternatives to Guardianship
- Lack of Good and Consistent Data



## **Challenges to Lasting Guardianship Reform**

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- Increasing Need but Lack of Resources
- Disconnect between policy and practice
- Stakeholder Silos
- Staffing and Turnover
- Complexity of Cases



## Reform Trends

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- Individuals, their family and friends are speaking up!
- Person-centered approach
- Alternatives to guardianship
- Standards and training for ALL guardians
- Increase in education and outreach
- Monitoring reforms to prevent abuse/exploitation
- More collaboration/taskforces/ multidisciplinary teams (ex. WINGS)
- State courts are taking on a more active role
- Increase in federal involvement/possible assistance to states



## Examples

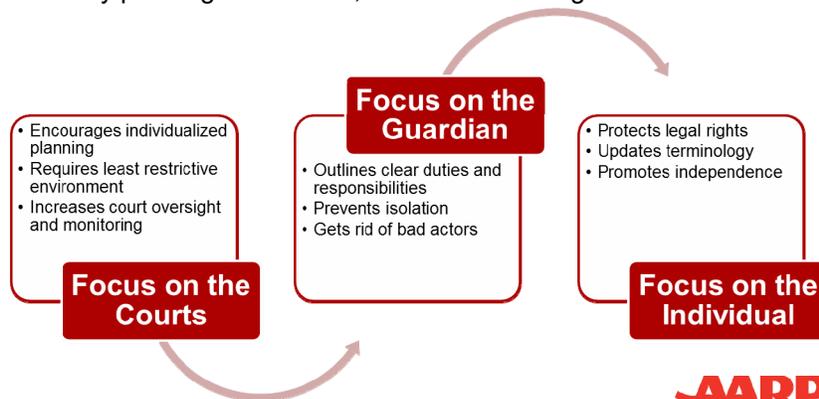
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- Connecticut:
  - 2017: SB 967 requires standard of practice for conservators; also authorizes probate court administrator to conduct random audits of conservator accounts
  - created an online training module for family and professional conservators
- Nevada:
  - 2017: Supreme Court created the Permanent Guardianship Commission
  - 2017: enacted legislation to create Guardianship Compliance Office
  - 2018: GCO created a toll-free guardianship hotline
- Texas:
  - First state to enacted supported decision making agreement as a less restrictive alternative to guardianship (2015, 2017)
  - Guardianship Compliance Project <http://www.txcourts.gov/programs-services/guardianship-compliance-project/>
  - AARP Texas and Texas Appleseed: “Managing Someone Else’s Money in Texas”



## Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act (UGCOPAA)

- Approved by Uniform Law Commission in July 2017
- 2018: Enacted in Maine and certain sections in New Mexico
- Currently pending in Montana, Utah and Washington



## Considerations for Rhode Island

- Update terminology
  - Old: ward, alleged incapacitated person, incapacitated person
  - New: adult, respondent, adult subject to guardianship/conservatorship
- Define less restrictive alternatives, like supported decision making agreements
  - Enacted in Alaska (2018), Delaware (2016), DC (2018), Texas (2015), Wisconsin (2018)
  - Currently pending in Kansas, Indiana and Rhode Island
- Create a WINGS
  - Legislation in Montana and Kentucky
  - Can help to identify Rhode Island specific needs





# FROM IDIOTS AND LUNATICS TO INCAPACITED PERSONS AND RESPONDENTS— THE EVOLUTION OF GUARDIANSHIP LAW IN RHODE ISLAND

## *Introduction*

With its iconic “1984” commercial, aired in the third quarter of the 1984 Super Bowl game, Apple announced the availability of the first Macintosh computer. With its graphical user interface replacing the “glowing greenish phosphor”<sup>1</sup> and “surly c:\> prompts”<sup>2</sup> of the IBM P.C. launched three years earlier, the first “Mac” introduced the intuitive user interface which we now take for granted.

At the same time a Rhode Islander might be opening his shiny new Mac, another Rhode Islander who was classified as an “idiot, lunatic, or person of unsound mind” could be stripped of her personal autonomy. Rhode Island law would have afforded a probate court no statutory standards to decide whether an individual would fall into one of these classifications – or others such as “a habitual drunkard” – which might cause a probate court to appoint a guardian for her. Apart from required personal service, the person who found herself on the wrong end of a guardianship proceeding was afforded no clear procedural rights, including evidentiary standards or right to counsel, under Rhode Island’s guardianship statutes.

As this article will describe, the guardianship law in Rhode Island existing in 1984 was essentially the same that had existed since 1905. And the 1905 statutes in turn represented only a modest modernization of Rhode Island’s guardianship laws that had existed since its colonial era.

It would take until 1985 – and more fully not until 1992 – before the breakthrough of the woman throwing a hammer through glass literally depicted in Apple’s “1984” commercial would figuratively occur in Rhode Island’s guardianship laws.

To highlight this evolution, this article will focus on provisions of Rhode Island’s statutes pertaining to guardianship of adults.<sup>3</sup> For, as the Rhode Island Supreme Court pointed out in *Trustees of House of the Angel Guardian, Boston v. Donovan*, “in this state the probate court derives its jurisdiction wholly from the statute.”<sup>4</sup>

## *The Dark Period 1742-1984*

*Grounds for Guardianship.* As described by the Rhode Island Supreme Court in *Tillinghast v. Holbrook*, “[i]n 1742, the General Assembly, for the first time, legislated upon the subject of the appointment of guardians of the persons or estates of persons other than infants . . . .”<sup>5</sup> The court noted that “[t]he title of the act indicates its general purpose” –

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<sup>1</sup> WALTER ISAACSON, *STEVE JOBS* 95 (2011).

<sup>2</sup> WALTER ISAACSON, *THE INNOVATORS* 363 (2014).

<sup>3</sup> Prior to R.I. Pub. Laws 1992 ch. 493, referred to later in this article as the “1992 Act,” guardianships of minors and adults were dealt with in the same statute. Section 5 of R.I. Pub. Laws 1992 ch. 493 created a new Chapter 15.1 of Title 33 dealing exclusively with guardianships of minors. R.I. Pub. Laws 1946, ch. 1711 created a new Chapter 16 of Title 33 dealing with veterans guardianships. Both of these Chapters are outside the scope of this article.

<sup>4</sup> 71 R.I. 407, 410, 46 A.2d 717, 718 (R.I. 1946).

<sup>5</sup> 7 R.I. 230, 248 (R.I. 1862).

“An act empowering several town councils of this colony to have the care and oversight of all persons who are delirious, distracted, or *non compos mentis*, and their estates.” It enacts that “it shall be in the power of each town council in this government to take into their care all persons and their estates in each respective town, who are delirious, distracted, or *non compos mentis*, or such who, for want of discretion in managing their estates, are likely to bring themselves and their families to want in misery, and thereby render themselves and their families chargeable to the respective towns in which such person lives . . . .”<sup>6</sup>

In the Rhode Island Public Laws enacted by the General Assembly in 1822, the General Assembly refined the phrase “the persons or estates of persons other than infants” to empower “the courts of probate, in their respective towns . . . to approve of guardians chosen by minors of fourteen years of age and upward.”<sup>7</sup> It also made more succinct and specific this power, namely “to appoint guardians of idiots, and all other persons who are non compos mentis or lunatic, or who for want in discretion in managing their estates are likely to bring themselves and families to want and thereby render themselves and families chargeable to such town.”<sup>8</sup>

Thus the 1822 enactment of the General Assembly replaced the terms “delirious and distracted” of its colonial era predecessor with the terms “idiot” and “lunatic.” The General Assembly, however, hit its full stride in its enactment of the 1844 Public Laws:

Whenever any idiot or lunatic, or person non-compos mentis, or any person who for want of discretion in managing his estate, shall be likely to bring himself and family to want, and thereby to render himself and family chargeable, shall reside or have a legal settlement in any town, the court of probate of such town shall have the right to appoint a guardian or person and estate of such person.<sup>9</sup>

It is perhaps not surprising an early or mid-nineteenth century General Assembly would classify someone as an “idiot or lunatic or person non-compos mentis,” and further use that characterization as the basis for subjecting such an individual to a guardianship. It may be surprising, as this article will reveal, that these same classifications (with additions such as “habitual drunkard”) would persist with only minor phrasing changes for the next 142 years.

In addition to “want of discretion in managing his estate,” in 1872 the General Assembly added to the list of potential candidates for guardianship to include “any person who from excess drinking, gaming, idleness, or debauchery of any kind” might “render himself or his family chargeable.”<sup>10</sup>

By what standards was an individual purported to be an “idiot or lunatic, or person non compos mentis”? The statute contains no definition of any of these three terms. A modern Rhode Island

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<sup>6</sup> *Id.*

<sup>7</sup> R.I. PUB. LAWS 1822, *An act respecting Guardians*, § 1.

<sup>8</sup> *Id.* § 2.

<sup>9</sup> R.I. PUB. LAWS 1844, *An act respecting Guardians*, § 3.

<sup>10</sup> General Statutes of the State of Rhode Island and Providence Plantations 1872 ch.154 § 7.

case notes that “[t]he 1623 James I act used the term ‘*non compos mentis*’ – literally ‘not master of one’s mind’ –in describing what has evolved into the term ‘unsound mind’ used in § 9-1-19.”<sup>11</sup> As it did in the statute of limitations provisions of R.I. Gen. Laws 1956 § 9-1-19, cited by the *Roe v. Gelineau* court, the General Assembly replaced the term “non compos mentis” in the guardianship statutes with the phrase “person of unsound mind.”<sup>12</sup>

Rhode Island’s Supreme Court decisions are equally unhelpful regarding the other terms used in the statute. “The terms ‘lunatic, idiot or person of unsound mind,’ used in the statute in their natural and ordinary use, indicate a condition of mental disability and incapacity.”<sup>13</sup> Looking outside of Rhode Island law for insight to the meaning of the terms “idiot and lunatic,”

English common law distinguished between two types of individuals who suffer from mental incapacity: the idiot and the lunatic. Crudely put, the lunatic was someone who once possessed a sound mind and somehow lost it; the idiot never had one.<sup>14</sup>

*Conservators.* The Rhode Island Court Practices Act of 1905 introduced a new concept in a section entitled *Conservators of the Property of Aged Persons*, which provided that “[i]f a person by reason of advanced age or mental weakness is unable to properly care for his property the probate court of the town in which he resides, upon his petition or the petition of one or more of his relatives or friends, may appoint a conservator of his property.”<sup>15</sup>

In enacting this section, the General Assembly introduced, at the beginning of the twentieth century, two concepts not previously existing in 18th or 19th century Rhode Island statutes. The first is a proceeding in which the court would supervise the “charge and management of the property” of an individual based solely on “advanced age or mental weakness.”<sup>16</sup> Secondly, unlike the guardianship proceedings, such a conservatorship proceeding could be initiated upon the petition of the individual herself.<sup>17</sup>

*Procedural Rights of the Intended Ward.* The rights—or more accurately the lack thereof—provided to the subjects of guardianship petitions in 18th and 19th century Rhode Island is best exemplified by statutory and case law pertaining to notice.

In its 1857 Revised Statutes, the General Assembly mandated that “every court of probate shall, before proceeding, give notice to all parties, known to be interested” in particular proposed actions by the probate court, including guardianship proceedings.<sup>18</sup> Like Monty Hall giving game show contestants a choice of doors number 1, 2 or 3, the legislature provided that such notice “may be given in either of the following modes, at the discretion of the court,” such

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<sup>11</sup> *Roe v. Gelineau*, 794 A. 2d 476, 485 (R.I. 2002) (citation omitted).

<sup>12</sup> Public Statutes of the State of Rhode Island and Providence Plantations 1882 ch.168 § 7.

<sup>13</sup> *Champlin v. Probate Court of Exeter*, 37 R.I. 349, 351, 92 A. 982, 982 (R.I. 1915).

<sup>14</sup> Louise Harmon, *Failing Off the Vine: Legal Fictions and the Doctrine of Substituted Judgment*, 100 YALE L.J. 1, 16 (1990).

<sup>15</sup> The Rhode Island Court Practices Act 1905 ch. 50 § 1077.

<sup>16</sup> *Id.* § 1077,.

<sup>17</sup> *Id.* § 1077.

<sup>18</sup> Revised Statutes of the State of Rhode Island and Providence Plantations 1857 ch. 152 § 3.

“modes” being by (a) citation personally served or “by leaving an attested copy thereof at the last and usual place of abode,” (b) newspaper advertisement, or (c) posting in the clerk’s office or “at the place at which the court usually meets, and in one other public place within the town.”<sup>19</sup>

In *Angell v. Angell*, the notice to the prospective ward “was by publication only.”<sup>20</sup> The Probate Court of the Town of North Providence appointed a guardian for Vashti Angell, despite the lack of personal service on Ms. Angell.

Counsel for Ms. Angell contended that the statute itself “is unconstitutional because under it a person may be deprived of his liberty and property without due process of law by being put under guardianship without actual notice.”<sup>21</sup> The *Angell* court was unmoved by Ms. Angell’s argument.

Undoubtedly a personal notice to the intended ward would be better and more consonant with the usual course of judicial procedure than notice by publication only . . . but nevertheless our conclusion is that the appointment of the appellant was valid notwithstanding the want of personal notice to the appellee notice having been given as authorized by the statute.<sup>22</sup>

The Court Practices Act of 1905 changed this by specifically requiring that “[n]o person shall be appointed guardian of the person of another, unless notice of the application for such appointment has been served upon the intended ward in person at least fourteen days prior to any action on said application . . . .”<sup>23</sup>

#### *First Light 1985-1988*

In 1985, the General Assembly altered the grounds by which a probate court could appoint a guardian. Gone were the grounds based on an individual’s purported status as an “idiot, lunatic, or person of unsound mind.” Gone also was the ability of a probate court to appoint a guardian based on categories of purported behavior (e.g., “excess drinking, gaming, idleness or debauchery”). Also eliminated was a potential guardianship based on “want of discretion in managing his estate” which might lead to the individual or his family being public charges.

Inserted in place was a functional standard. Specifically, probate courts could now appoint guardians for an individual “who is unable to manage his or her estate and is unable to provide for his or her personal help and safety as a result of mental/or physical disability . . . .”<sup>24</sup> Specifically, such “mental or physical disability as determined by the court on the basis of oral or written evidence under oath from a qualified physician . . . .”<sup>25</sup>

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<sup>19</sup> *Id.* § 4.

<sup>20</sup> 14 R.I. 541, 545 (R.I. 1884).

<sup>21</sup> *Id.*

<sup>22</sup> *Id.* at 546.

<sup>23</sup> The Rhode Island Court Practices Act.

<sup>24</sup> R.I. PUB. LAWS 1985 ch. 156 § 1.

<sup>25</sup> *Id.*

In 1987, the General Assembly further modified the statute enabling probate courts to appoint conservators.<sup>26</sup> The changes, though seemingly superficial, were actually substantive. Specifically, previously an individual seeking the appointment of a conservator was required to be of “advanced age” or have a “mental disability.” The 1987 legislation eliminated the adjective “mental” before disability as well as the requirement of “advanced age” in order to initiate a conservatorship.<sup>27</sup> Accordingly, an individual could seek the appointment of a conservator based on his or her own “disability” alone.<sup>28</sup>

While the General Assembly was providing some light on the horizon by these revisions to the guardianship statutes, nationally the dawn was beginning to break. The catalyst was a series of articles which appeared in 1987 produced by the Associated Press (the “AP”) which resulted from a national study of state guardianship proceedings.<sup>29</sup> The AP’s report entitled *Guardians of the Elderly: An Ailing System*, highlighted both procedural and substantive problems in state court guardianship proceedings.<sup>30</sup>

The AP report sparked the convening of the National Guardianship Symposium in July, 1988 at the Johnson Foundation’s Wingspread Conference Center.<sup>31</sup> Wingspread produced 31 recommendations “intended to better safeguard the rights of adult disabled wards and proposed wards [and] . . . to provide for the ward’s needs by maximizing individual autonomy.”<sup>32</sup>

#### *The Dawn 1990-1996*

Rhode Island’s guardianship laws were transformed by the General Assembly’s enactment of R.I. Pub. Laws 1992 ch. 493 (the “1992 Act”), beginning with mandating the use of a seventeen page “Functional Assessment Tool” (FAT), in place of the potentially one-paragraph physician’s letter as the basis for a probate court’s determination of whether or not an individual required guardianship.<sup>33</sup> Gone was the potential that someone could be made the subject of a guardianship proceeding based merely on his alleged status as an “idiot, lunatic, person of unsound mind,” “habitual drunkard,” or some other purported classification. Instead, the individual’s functional abilities and “capacity to make decisions” would be determinative.<sup>34</sup>

The 1992 Act also mandated procedural protections for a respondent such as enhanced notice requirements,<sup>35</sup> the ability to compel the attendance of and to confront and cross-examine witnesses,<sup>36</sup> and a “clear and convincing” evidentiary standard in determining whether a guardian should be appointed.<sup>37</sup> The 1992 Act also required the appointment of a guardian ad

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<sup>26</sup> R.I. PUB LAWS 1987 ch. 122 § 1.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> ROBERT FLEMING & LISA DAVIS, ELDER LAW ANSWER BOOK 11-3 (3d ed. YEAR).

<sup>30</sup> THE AMERICAN BAR ASSOCIATION, RECOMMENDATIONS OF THE NATIONAL GUARDIANSHIP SYMPOSIUM iii ().

<sup>31</sup> *Id.* at iv.

<sup>32</sup> *Id.*

<sup>33</sup> R.I. PUB LAWS 1992 ch. 493 § 4.

<sup>34</sup> *Id.*

<sup>35</sup> *Id.* § 3.

<sup>36</sup> *Id.* § 4.

<sup>37</sup> *Id.*

litem, who would have both an investigatory and reporting function, in every petition for the appointment of a guardian.<sup>38</sup>

In 1994, the General Assembly replaced the seventeen-page FAT with a six-page Decision-Making Assessment Tool (DMAT).<sup>39</sup> In addition to its virtue of relative brevity, the DMAT focused on the extent to which an individual possesses decision-making capacity.<sup>40</sup>

By mandating the use of a DMAT and by substantially enhancing the procedural protections to a respondent, the General Assembly necessarily increased the adversarial nature and concomitant expense of a guardianship proceeding. But what if an individual *herself* wished to have the supervision of a probate court in the management of her financial affairs?<sup>41</sup> To accommodate such self-initiated proceedings, the 1992 Act and subsequent revisions to Chapter 15 of Title 33 left intact Section 44 allowing for such an individual to initiate, and a probate court to administer, a conservatorship for such an individual.

In the Probate Uniformity Act of 1996 (the “1996 Act”),<sup>42</sup> the legislature continued to refine its work begun with the 1992 Act. For example, the 1996 Act required that the DMAT be completed by “a physician who has examined the respondent.”<sup>43</sup> This legislation also expanded the investigatory and reporting duties of the guardian ad litem,<sup>44</sup> as well as created a statutory form of guardian ad litem report.<sup>45</sup>

In order to ensure a forum for ongoing study and development of proposed legislation to continue the modernization of Rhode Island’s probate laws, the 1996 Act included a statutorily created commission titled “A Legislative Commission to Study the Feasibility of Modernizing Probate Law and Procedure and to Make Recommendations Therefor” (the “Probate Commission”).<sup>46</sup>

#### *After the Dawn 1997-2015*

The assimilation by courts and practitioners of the virtual re-writing of Rhode Island’s guardianship laws by the General Assembly in the 1992 Act, begun with the 1994 and 1996 legislation, continued thereafter.

Specifically, as a result of the experience by courts, particularly in contested guardianships, the requirements for the physician completing the DMAT, revised in the 1996 Act, was again

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<sup>38</sup> *Id.*

<sup>39</sup> R.I. PUB. LAWS 1994 ch. 359 § 1.

<sup>40</sup> *Id.*

<sup>41</sup> But why would a person subject herself to oversight of her financial affairs by a probate court? Why not simply appoint someone to act as agent under a durable financial power of attorney? One reason might be that the person whom the individual has selected as her fiduciary is only willing to serve in that capacity with the imprimatur and supervision of a court, perhaps due to a contentious family circumstance. Another is that the establishment of certain special needs trusts under 42 U.S.C. § 1396(d)(4)(A) requires the involvement of a court.

<sup>42</sup> R.I. PUB. LAWS 1996 ch. 110.

<sup>43</sup> *Id.* § 9.

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

revised in 2004<sup>47</sup> and in 2007.<sup>48</sup> The General Assembly also in 2007 refined statutes pertaining to the selection of guardians ad litem,<sup>49</sup> as well clarifying their roles in guardianship proceedings.<sup>50</sup>

The Probate Commission authorized by the 1996 Act was formed and became active shortly thereafter.<sup>51</sup> For example, the 2004 and 2007 legislation referenced above were derived from deliberations of the Probate Commission. In 2014, the Probate Commission suggested revisions to the General Assembly of its proposed enactment of the Uniform Adult Guardianship and Protection Proceedings Jurisdiction Act (UAGPPJA).<sup>52</sup> The General Assembly, considering the Probate Commission's recommendations, adopted a modified version of the UAGPPJA the following year.<sup>53</sup>

### *Conclusion*

The 1992 Act virtually gutted and modernized the anachronistic substantive and procedural requirements for instituting and administering guardianships in Rhode Island that had existed for two centuries. The General Assembly's continued refinements to the statute in the 1990s, 2000s and to the present, and the work of its statutory Probate Commission, is perceived by some as having effected the goal of the reformers.

Another view is that lack of further substantial changes to Rhode Island's guardianship laws in the 25 years since the 1992 Act is the result of complacency. For example, since the Wingspread conference in 1988, whose recommendations inspired and informed the reforms of the 1992 Act, the National Guardianship Conference has convened again twice, in each instance producing further recommendations.<sup>54</sup> In addition, the National Guardianship Association (NGA), which adopted the first *NGA Standards of Practice for Guardians* in 2000, has produced new editions of its *Standards of Practice* in 2003, 2007, and in 2013.<sup>55</sup>

The legislative commission<sup>56</sup> formed by the General Assembly in 1990, which produced the initial draft of the 1992 Act, incorporated the diversity of stakeholders<sup>57</sup> required for such a process to be successful. Reform is a challenging and arduous process requiring significant political will and energy. And such will and energy in turn often require a crisis atmosphere, like that sparked by the AP reports which was the catalysis for the Wingspread Conference, which in

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<sup>47</sup> R.I. PUB. LAWS 2004 ch. 573 § 1.

<sup>48</sup> R.I. PUB. LAWS 2007 ch. 417 § 1.

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> The author, in his capacity as a then State Representative, served as the first Chair of the Probate Commission, and subsequently, including to the writing of this article, as its Vice-Chair.

<sup>52</sup> H.R. 7687, 141<sup>th</sup> Gen. Assemb., Reg. Sess. (R.I. 2014); S. 2548, 141<sup>th</sup> Gen. Assemb., Reg. Sess. (R.I. 2014).

<sup>53</sup> R.I. PUB. LAWS 2015 ch. 210 § 1; ch. 241, § 1.

<sup>54</sup> Symposium Third National Guardianship Summit: Standards of Excellence, *Third National Guardianship Summit Standards and Recommendations*, 2012 UTAH L. REV. 1191 (2012); Wingspan—The Second National Guardianship Conference, *Recommendations*, 31 STETSON L. REV. 595 (2002).

<sup>55</sup> THE NATIONAL GUARDIANSHIP ASSOCIATION, STANDARDS OF PRACTICE 2 (2013).

turn informed the work of the Guardianship Commission in creating, and the General Assembly in enacting, the 1992 Act.

Reports of serious abuse and neglect by guardians arise periodically in Rhode Island, as they do in other states. However, without a critical mass of such cases or analogue to the AP report, it is unlikely that the political will which resulted in the systemic reforms of the 1992 Act will be mustered.

Some consider the reforms of the early 1990s, with their continual review by the Probate Commission and periodic revisions by the General Assembly, to be adequate. For those who believe that a more systemic change is again needed, it is not.

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# **SPECIAL TASK FORCE TO STUDY ELDERLY ABUSE AND FINANCIAL EXPLOITATION**

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## **NOTICE OF MEETING**

**DATE:** Wednesday, March 20, 2019

**TIME:** 2:30 P.M - 4:00 P.M.

**PLACE:** Senate Lounge - State House

### **AGENDA:**

- I. Opening remarks
- II. Presenters:
  - Jeanne Gattegno, Director, Saint Elizabeth Haven for Elder Justice
  - Rose Amoros Jones, Director, Division of Elderly Affairs
  - Mary Ladd, Information & Referral and APS Administrator  
Division of Elderly Affairs
  - Cortney Nicolato, President & CEO, United Way of RI
- III. Closing remarks
- IV. Adjourn

**No public comment will be taken at this time.**

Please contact Molly McCloskey at [mmccloskey@rilegislature.gov](mailto:mmccloskey@rilegislature.gov) with any questions.

**POSTED: MONDAY, MARCH 18, 2019, 11:10 A.M.**



**SAINT ELIZABETH HAVEN FOR  
ELDER JUSTICE  
DOJ/OVW ENHANCED TRAINING  
AND SERVICES TO END ABUSE IN  
LATER LIFE  
(RHODE ISLAND ELDER JUSTICE COALITION  
PROJECT)**

**SAINT ELIZABETH HAVEN FOR ELDER  
JUSTICE**

The Haven operates a shelter program for elders in need of a safe place to stay.

The Haven operates a community-based case management and advocacy service for abused elders who do enter the shelter.

The Haven offers education and training programs about elder abuse.

The Saint Elizabeth Community has been awarded a 3-year grant from the Department of Justice, Office of Violence Against Women.

With this grant a statewide effort to **Enhance Training and Services to End Abuse in Later Life** for elders **age 50 and older** will be implement.

This project is designed to build a multi-disciplinary team approach to System Change to

- Reduce barriers to Victim Safety
- Increase investigations and prosecutions
- Create sustainable change and improvements in how we address Elder Abuse in our community.

### **Enhanced Training for Law Enforcement**

A multi-disciplinary team has been assembled:

- 2 Providence police officers,
- prosecutor from AG office
- adult protective service worker from DEA,
- a domestic violence advocate

Next week this team will be trained to implement a DOJ Elder Abuse Training Model for law enforcement.

### **Cross Training for Victim Services Providers**

A multi-disciplinary team will be assembled:

- community-based advocate
- an aging network member
- systems based agency member.

In June the team will be trained to implement a DOJ Elder Abuse Training Model to enhance elder victim safety and quality of life by strengthening collaboration among victim service providers.

In the Fall, a prosecutor in the AG Office will attend a Training Institute for Prosecutors.

Next year, a judge will attend a week's long Judicial Institute.

The intent is to bring elder abuse training into the legal system.

**Legal Resources and Remedies Manual for Law Enforcement**

A manual (written and computerized) will be developed and distributed to all Law Enforcement.

The manual will contain laws and statutes related to Abuse in Later Life, definitions of abuse and resources available for victims.

### **Needs Survey**

A Needs Survey is being conducted to identify gaps in services and priorities for new and enhanced services for older victims of abuse.

- Victim service providers
- Elders age 50 and older

This survey will include discussions with elders, service providers and underserved populations including the disabled, LGBT, and non English speaking.

### **Outreach and Service Strategic Plan**

Based upon the surveys, data collection and discussions with groups and individuals, a plan will be developed to:

- improve a current service, or
- create a new service, and
- create an outreach program.

A proposal for funding will be submitted to DOJ for approval in August.

There is a fund set aside in this grant, \$25,000 for outreach and \$75,000 for service.

**Coordinated Community Response  
(RI Elder Justice Coalition)**

A Coalition will be convened of professionals from various disciplines and community members who share a broad vision of the community's responsibility -

- for enhancing services and safety for older victims
- and improving the criminal justice system's response to perpetrators

The Coalition will work to:

- understand victim needs
- create more options for victims
- identify system gaps
- leverage resources
- avoid duplication of services
- increase victim safety
- Increase offender accountability.



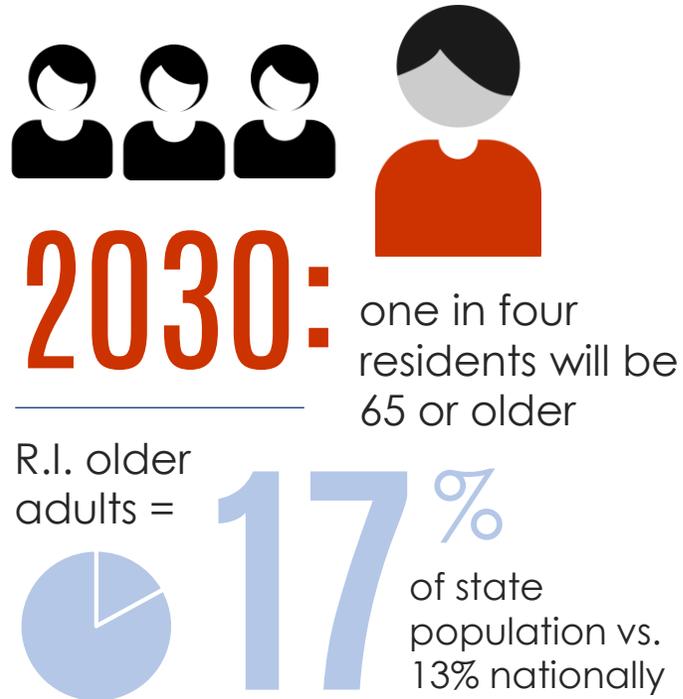
## *Inspired Living in Rhode Island*

*Promoting choice, community,  
and opportunity for older Rhode  
Islanders and those with disabilities*



**R.I. Division of Elderly Affairs**  
Rose Amoros Jones, Director

# Why Our Work Matters



**Rhode Island's 85 + older population is largest in U.S.**

- All Rhode Islanders should have an opportunity to live an inspired life, of their choosing, that allows them to age healthfully and happily.
- Research shows that most people desire to “age in place” whenever possible. Supporting this aim promotes better health outcomes + helps stall, if not avoid, more costly institutional care and full Medicaid eligibility for older Rhode Islanders.
- People’s needs + preferences are diverse and multi-dimensional as they age, requiring we take a thoughtful approach with our partners + provide an array of services + supports.

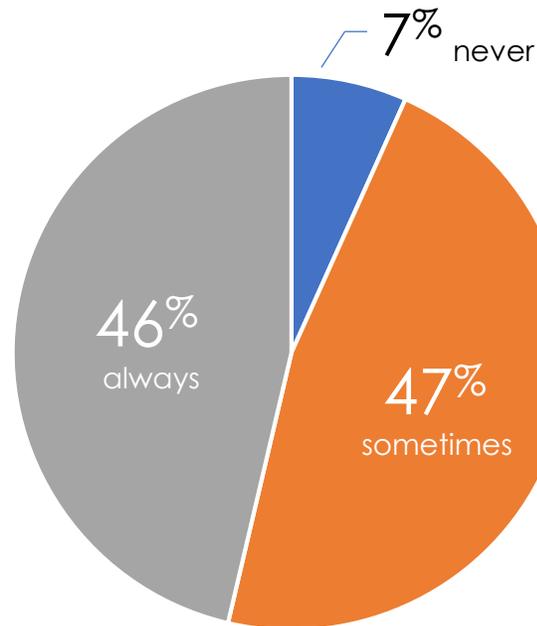
# Taking Action

In 2018, Governor Raimondo directed DEA, partners to talk to older Rhode Islanders and those with disabilities about their experiences and to use these insights to advance policy + investment recommendations for SFY2020 – and beyond.

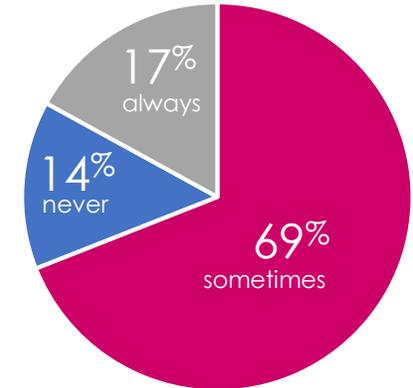
- Expand our Home & Community Care Co-Pay program
- Initiate an Independent Provider program
- Fund RIPTA's 'No-Fare' bus pass program
- Increase funding for the Elderly Transportation Program
- Increase wages for direct-support workers
- Begin planning for a 'no wrong door' system

This builds on our work together to:

- Double funding to senior centers across the state
- Increase funding for home-delivered meals
- Raise wages for home-care and direct-support workers
- Close all sheltered workshops + invest in community-employment programs for people with disabilities



"I feel like I have all the help I need to live comfortably in my own home"



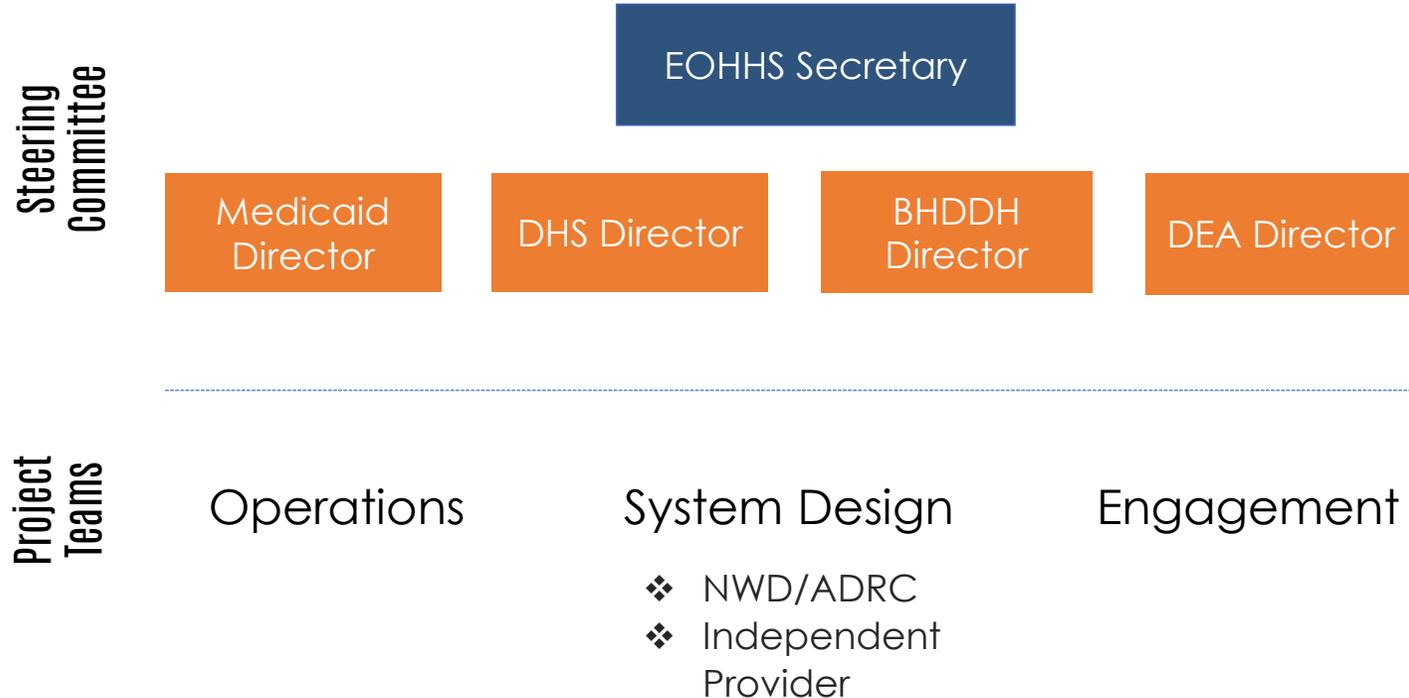
of those who do not have consistent help (54% from previous chart)

"I want or need a service but do not know how to access it"

Source: 2018 Meal On Wheels Survey

# Cross-Agency Governance Model

We are working across health & human service agencies to improve our long-term care system.



## Aging & Disability Resource Center:

(aka. 'No Wrong Door' by federal definition)

Provides information, counseling and assistance to help older adults and those with disabilities make informed decisions about long-term services and supports, as well as connect with public and private programs.

- Information, Referral + Awareness
- Options Counseling
- Streamlined Eligibility Determination for Public Programs
- Person-Centered Transition Support
- Stakeholder Engagement
- Quality Assurance + Continuous Improvement

# Where Do I Go for Info?

Currently we coordinate information + referral through our 'Aging and Disability Resource Network,' which is comprised of 25 partners. Services include:

- Information assistance
- Screening
- Some options counseling
- Referral to relevant resources



Located at the United Way of RI, THE POINT connects seniors and those with disabilities to long-term care information and resources. Some 70,000 calls and walk-ins are received annually. To access The POINT 24/7, call

**401.462.4444**



# Aging & Disability Resource Network

Statewide coverage:

- OSCIL
- The Point

Road ahead:

Strengthen the network by further enhancing and coordinating services; standardizing processes, such as data collection, screening, and training, across partners; and developing a robust online portal.

## Region 1

Tri-County CAP  
Johnston SC  
Senior Services, Inc.

## Region 4

Diocese of Providence  
St. Martin de Porres SC  
United Way 2-1-1

## Region 5

East Bay CAP  
Bristol SC  
Leon Mathieu SC  
Progreso Latino

## Region Two

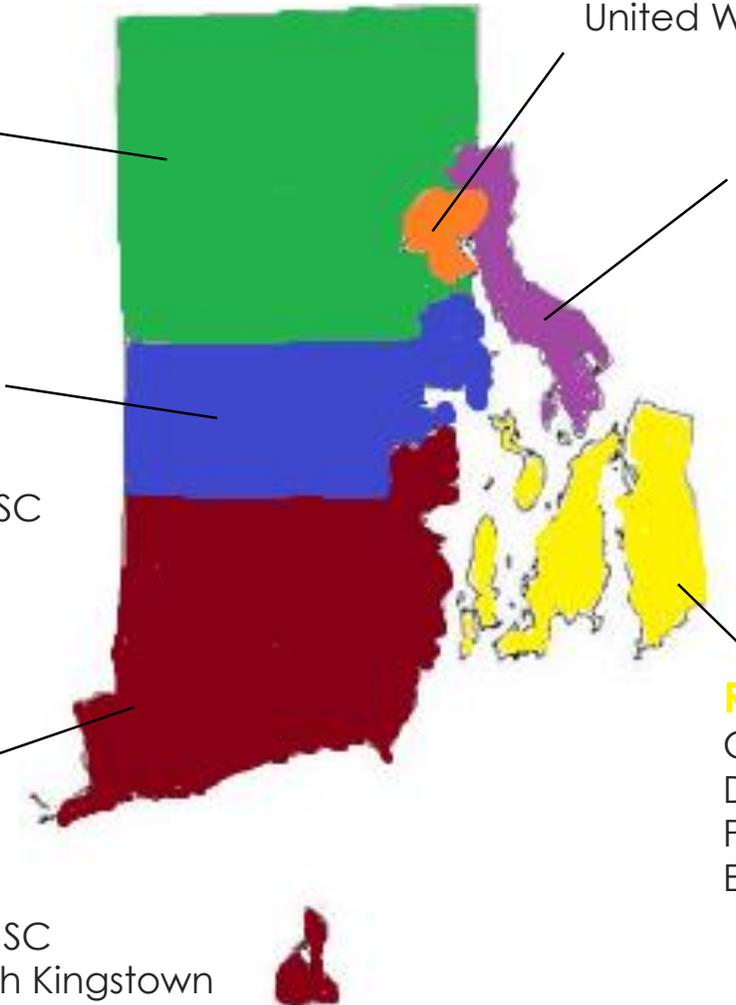
Westbay CAP  
Pilgrim SC  
West Warwick SC

## Region 3

Tri-County CAP  
Westerly SC  
North Kingstown SC  
The Center, South Kingstown

## Region 6

Child & Family  
Dr. MLK Center  
Portsmouth SC  
Edward King House





We strive to empower all older Rhode Islanders and adults with disabilities to age healthfully and happily.

As we move ahead, DEA will continue to focus on advancing meaningful programming, advocacy, and policy to benefit older Rhode Islanders and adults with disabilities. Our work is anchored in our values of choice, connection, equity, safety and performance – and made possible by many partners.

We look forward to continuing to work with our partners to bring quality services and supports to older Rhode Islanders and those with disabilities. We invite you to keep in touch and share your thoughts as we move ahead in this work.



**Rhode Island Division of Elderly Affairs**

Rose Amoros Jones, Director

25 Howard Avenue, Cranston RI 02920  
(P) 401.462.0565 | (w) [www.dea.ri.gov](http://www.dea.ri.gov)

# Help starts here, Rhode Island.

## *2-1-1 and The POINT*

Helping people in need.



## 2-1-1 Overview

- Call Specialists provide assistance with information and referrals primarily for health and human services—including housing, shelter, food, utilities, gambling addiction, childcare, emotional crisis, aging and disability, health services information and enrollment, substance abuse, and much more.
- 2-1-1 offers call center services and walk-in services, mobile services on the outreach RV, and chat and text services at [www.211ri.org](http://www.211ri.org).
- Operates 24/7, 365 days per year.
- Free, confidential, multilingual – English, Spanish, Portuguese, Khmer on staff, access to nearly 200 languages and dialects through language line.

Help starts here, Rhode Island.



## Origin and Needs in 2018

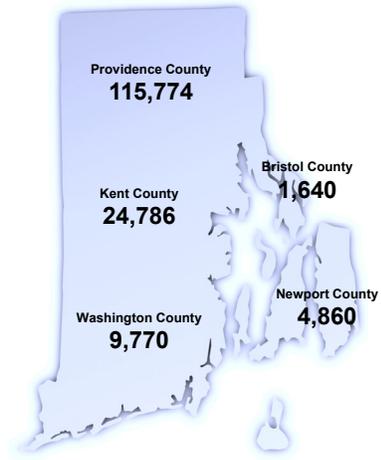
### By County:

Providence	115,774
Kent	24,786
Washington	9,770
Bristol	1,640
Newport	4,860

### By Need:

Rental assistance	38,878
Utility assistance	56,633
Health information	54,957
Food	62,326
Housing	72,944

*Other (out-of-state/not identified) 24,543*



Help starts here, Rhode Island.



## 2-1-1 on the move in the community



- The 2-1-1 RV serves as a mobile command unit.
- The 2-1-1 RV travels statewide attending fairs, expos, workshops, educational events, state parks, and other venues to bring services directly to the community.

Help starts here, Rhode Island.



## Services funded by the R.I. Division of Elderly Affairs (DEA)

### HEALTH INSURANCE & ACCESS

- Medicare and Medicaid Enrollment Program (MME)
- State Health Insurance Enrollment
- Senior Medicare Patrol
- Navigator Program

### CRISIS INTERVENTION & SUPPORT

- After Hours Crisis Line
- Emergency Response
- Protective Services (Intake after hours)
- Cybersecurity

### ISOLATION & NEGLECT

- Lifespan Respite
- National Grid Partnership

Help starts here, Rhode Island.



## What is The POINT?

- Began in 2010.
- Specialized information and referral services and options counseling for seniors, adults with disabilities, and caregivers.
- Benefit Specialists provide assistance with enrollment into Medicare and Medicaid, prescription drug programs, additional health insurance plans, information for both public and private long-term care, housing options, and veteran benefits.
- Benefit Specialists provide options counseling and wrap-around services.
- Applications for home and community care, and other state services.
- More than 40,000 contacts a year.
- The POINT/ADRC is funded by the R.I. Division of Elderly Affairs.

Help starts here, Rhode Island.



## Features of The POINT

- Phone number for The Point: (401) 462-4444.
- Call center hours:  
Monday, Wednesday, and Friday, 8:30 a.m. - 4:30 p.m.  
Tuesday and Thursday, 8:30 a.m. - 8 p.m.  
Saturday, 8:30 a.m. – noon.
- Walk-in hours:  
Monday - Friday, 8:30 a.m. - 4:30 p.m.
- 4.65 full-time employees available during business hours.
- Multilingual staff (English and Spanish).
- Access to nearly 200 languages and dialects.
- 24/7 intake/triage through the 2-1-1 call center.

Help starts here, Rhode Island.



## Our Mission

***To empower individuals to make informed decisions, to exercise control over their long- and short-term care needs, to achieve their personal goals and preferences.***

All incoming calls, walk-ins, and cases addressed on the outreach RV are provided with services and referrals according to their own individual needs.



Help starts here, Rhode Island.



## The POINT in action

- 56,347 total contacts
- 47,543 total phone calls
- 2,536 in-person contacts
- 43,767 outreach contacts



Help starts here, Rhode Island.

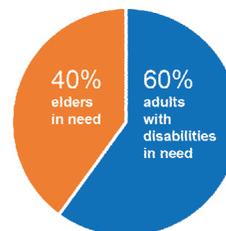


## Complexity of Client Needs

The POINT receives two very distinct types of contacts:

- Information and Referral Calls: average of 3,000 calls per month, up to five minutes per call.
- Specialized Calls: up to 450 a month, up to two hours per call.

Who contacts The POINT?



Contacts might present one need, but usually receive services for four or more needs.

Help starts here, Rhode Island.



## Older Adult needs are complex

*A 73-year-old woman, living in her car since May, has a feeding tube and is not allowed in shelters, because of the feeding tube. She has applied to Portsmouth Housing Authority. Her daughter lives locally and cannot let her mother stay with her because it is a lease violation. She is also a victim of domestic violence, and is trying to stay away from certain areas.*



Help starts here, Rhode Island.



For more information about 2-1-1 in Rhode Island  
or The POINT, please contact:

Cristina Amedeo  
Managing Director 2-1-1/The POINT

Help starts here, Rhode Island.



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# **SPECIAL TASK FORCE TO STUDY ELDERLY ABUSE AND FINANCIAL EXPLOITATION**

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## **NOTICE OF MEETING**

**DATE:** Wednesday, April 10, 2019

**TIME:** 2:30 P.M - 4:00 P.M.

**PLACE:** Room 313 - State House

### **AGENDA:**

- I. Opening remarks
- II. Updates from Chair Coyne
- III. Public testimony
- IV. Closing remarks
- V. Adjourn

Please contact Molly McCloskey at [mmccloskey@rilegislature.gov](mailto:mmccloskey@rilegislature.gov) with any questions.

**POSTED: FRIDAY, APRIL 5, 2019, 4:20 P.M.**

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# Special Task Force to Study Elderly Abuse and Financial Exploitation

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## Notice of Meeting

**DATE:** Friday, June 28, 2019  
**TIME:** 10:00 A.M. – 11:00 A.M.  
**PLACE:** Room 313 – State House

### Agenda:

- I. Opening remarks
- II. Review of final report Executive Summary
- III. Closing remarks
- IV. Adjourn

**No public comment will be taken at this time.**

Please contact Molly McCloskey at [mmccloskey@rilegislature.gov](mailto:mmccloskey@rilegislature.gov) with any questions.