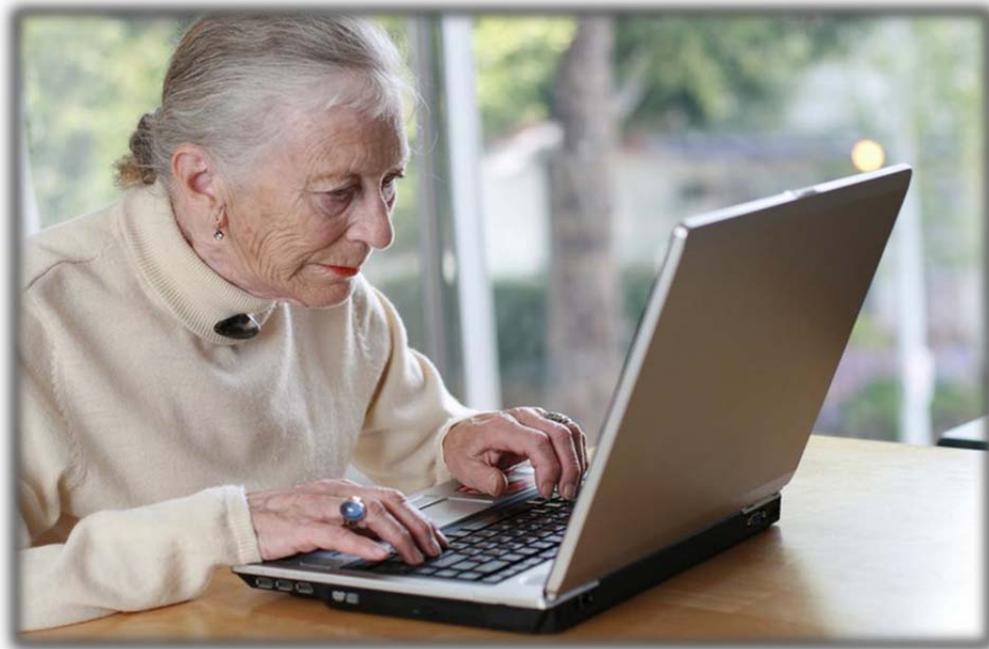


PREVENTING ELDER FINANCIAL EXPLOITATION:

HOW BANKS CAN HELP



A joint project of



June 2013
Fourth Edition

For more information or to order a kit, please contact:

Oregon Bankers Association
Independent Community Banks of Oregon
777 13th Street SE, Suite 130
Salem, OR 97301
503-581-3522
Fax: 503-581-8714
www.oregonbankers.com

Office of Adult Abuse Prevention and Investigations
2575 Bittern Street NE
Salem, OR 97301
503-945-9454
1-800-232-3020
TTY relay: 1-800-735-2900
Fax: 503-945-9893
<http://cms.oregon.gov/dhs/spwpd/pages/abuse/index.aspx>

The materials in the Bank Employee Training Kit are available in alternate formats for people with disabilities. To request any of these materials in an alternate format, please call DHS, Seniors & People with Disabilities at 1-800-282-8096.



Oregon

John A. Kitzhaber, M.D., Governor

Department of Human Services

Office of Adult Abuse Prevention

2575 Bittern Street NE

Salem, OR 97301

(503) 945-9454



The Department of Human Services (DHS), Aging and People with Disabilities, Office of Adult Abuse Prevention and Investigations is proud to partner with the Oregon Bankers Association to present the updated third edition of the "Preventing Elder Financial Exploitation: How Banks Can Help" training kit.

There is no doubt that financial exploitation is on the rise, not just in Oregon but nationally. A 2010 study by MetLife shed light on the widening problem of financial abuse across the country. The study estimated that the annual financial loss by victims of financial abuse is estimated to be at least \$2.9 billion dollars, a 12% increase from the \$2.6 billion estimated in 2008.

The study also found that most victims were women—they were twice as likely to fall victim of elder financial abuse as were men. Most victims were between the ages of 80 and 89, lived alone and required some level of help with either health care or home maintenance.

Here in Oregon, financial exploitation and abuse constitute over 40% of substantiated community abuse claims. This data also shows that financial abuse is not only the most common type of abuse perpetrated, but it often goes hand in hand with other types of abuse such as verbal/emotional abuse and neglect of care.

Data also shows that awareness and understanding by bank employees has contributed to the increased reporting and identification of financial exploitation in Oregon.

Here are some facts:

In 2011, there were 672 substantiated financial exploitation cases in Oregon – which represents over 40% of all substantiated abuse in Oregon's communities.

- Financial exploitation is the most common abuse found in community adult protective services.
- Family members are the most common perpetrators of financial exploitation. In fact, a random sample of 2011 financial exploitation cases in Oregon shows that this was the case 56% of the time.
- One in every 6 cases of substantiated financial abuse in Oregon is perpetrated by someone improperly using their Power of Attorney or other form of fiduciary relationship. This is something that bankers are in a unique position to identify and report such abuse.

Because of this, Oregon banks, the Oregon Attorney General's Office, local law enforcement, and adult protective services at The Oregon Department of Human Services and local Area Agencies on Aging are all partnering to take action against financial exploitation.

This kit provides the tools to begin and/or enhance coordinated training efforts between banks and those agencies that protect vulnerable adults. We hope you will find this kit useful and that it helps provide an additional safeguard to protect those most vulnerable from financial abuse.

Sincerely,

Marie Cervantes, Director

Office of Adult Abuse Prevention & Investigations

Department of Human Services



Dear Oregon Bankers:

The Oregon Bankers Association and Oregon banking community have long been committed to elder financial abuse detection and prevention. It is critical to ensure seniors live safely and with dignity. The OBA led the charge with the first Preventing Elder Exploitation: How Banks Can Help training kit in 1999. Since then, the kit has become a national model used in many other states.

Elder financial exploitation is a significant problem affecting millions of seniors across the country. Banks happen to be in a unique position to spot elder abuse, particularly elder financial abuse. To that end, we are pleased to present you with this updated version of the training kit. In addition to this manual, the kit contains a video to help train staff on how to recognize and report possible elder financial exploitation. Additional resources can also be found in Appendix B.

This important project has enjoyed the support of many partners. The Oregon Bankers Association and Independent Community Banks of Oregon were joined by the Office of Adult Abuse Prevention & Investigations in the Department of Human Services of the State of Oregon, the Oregon Department of Justice, AARP Oregon and the Oregon Association of Area Agencies on Aging. The original project received the majority of its funding by a grant from the U.S. Department of Justice with help from all partners.

You are strongly encouraged to contact your local Adult Protective Services office to ask them to assist you in planning a training program for your employees. Contact numbers are available in the training manual on page 31.

Thank you for your attention to this important issue. Please feel free to contact us if we can be of any assistance.

Very best regards,

President & CEO
Oregon Bankers Association

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Chapter 1

Guide — How to use the Bank Employee Training Kit

This kit is designed to assist financial institutions in identifying and responding to financial exploitation of older adults and can be used in the following ways:

I. Reference

The chapters of this manual summarize the essential information about financial exploitation, including:

- What is financial exploitation;
- How to recognize and respond;
- How to report; and
- Protections for reporting under the law in Oregon.

II: Training of bank personnel

This kit provides a sample agenda, training text, and a DVD to train bank personnel about how to recognize and report elder financial abuse.

III. Community outreach by banks

Information in the manual and the DVD can easily be adapted for banks to provide abuse prevention presentations to customers and to the public.

Training bank personnel

This kit provides you with the materials you need to train bank employees to recognize and report possible elder financial exploitation. Please review the enclosed DVD.

A sample agenda is included in this kit. Please contact your local Adult Protective Services office (see chapter on reporting) and together design an agenda to suit your needs.

The basics of your training should include the following:

- A. Review of the enclosed DVD.
- B. The phone number(s) of the local Adult Protective Services office(s).
- C. Your bank's protocol for reporting.
- D. Law enforcement contact(s).

The DVD includes:

- Remarks by President and CEO of the Oregon Bankers Association and Independent Community Banks of Oregon.
- Elder financial abuse scenarios in a bank setting.
- Remarks by Oregon Attorney General.
- Remarks by Director of Oregon Office of Adult Abuse Prevention & Investigations.

The information provided in this manual is intended to provide general background information and is not intended to constitute legal advice and should not be relied upon in lieu of consultation with appropriate legal advisors in your own organization. Because of the frequent changes in the law, the information contained in this manual might be out of date and, while every attempt is made to ensure the content is current at the time of manual, it should not be relied upon for your particular situation until you can independently verify its accuracy through consultation with you own legal advisor.

Sample 90 minute agenda for banker training

- 5 mins. Introductions and housekeeping
Banker
- 5 mins. Background and training goals
Banker
- 25 mins. Watch DVD and walk through scenarios presented
- 15 mins. Q&A and discussion – actual situations and responses
- 10 mins. Warning Signs
Adult Protective Services
- 10 mins. Bank protocol for reporting
Banker
- 10 mins. Steps of investigation / role of Adult Protective Services and law enforcement
Adult Protective Services and law enforcement
- 5 mins. Use of teller card, brochures
Banker
- 5 mins. Questions and wrap-up

Chapter 2

Financial exploitation

What is financial exploitation?

Financial exploitation is the illegal or improper use of another individual's resources for personal profit or gain. Also referred to as "fiduciary abuse", "financial abuse", "economic abuse" and "financial mistreatment." Examples include:

- Paid caregivers keeping the change from the groceries.
- Using credit, debit or ATM cards without permission or knowledge.
- Draining bank accounts without knowledge or informed consent.
- Wrongfully taking property such as cars, home, land, or jewelry.
- Stealing medications.

While almost any adult is susceptible to exploitation, there are specific protections for adults age 65 and older, and persons with disabilities who cannot protect his or her own interests.

How does financial exploitation occur?

An older adult or person with disabilities can be exploited in the following ways:

- Without his or her consent or knowledge.
- By trickery, intimidation, coercion or exerting undue influence.
- Cognitive impairment or confusion so the person cannot give valid consent.

Financial exploitation under Oregon Law

Legal definitions

State statutes

Financial exploitation as defined in ORS 124.050 (4) means:

- a. Wrongfully taking the assets, funds or property belonging to or intended for the use of an elderly person or person with a disability.
- b. Alarming an elderly person or a person with a disability by conveying a threat to wrongfully take or appropriate money or property of the person if the person would reasonably believe that the threat conveyed would be carried out.
- c. Misappropriating, misusing or transferring without authorization any money from any account held jointly or singly by an elderly person or a person with a disability.
- d. Failing to use the income or assets of an elderly person or a person with a disability effectively for the support and maintenance of the person.

Many other statutes apply to financial crimes or civil wrong-doing such as theft and fraud. This chapter includes a non-exhaustive list of some of those criminal and civil statutes.

Administrative rules for Adult Protective Services

The Department of Human Services is mandated by law to provide investigation and protective services for abuse, neglect, and exploitation of adults age 65 and older. Under that mandate, the Department has adopted Oregon Administrative Rules (OAR) to address how abuse, neglect, and exploitation will be investigated.

The Department's OARs define "abuse" to include "financial exploitation" OAR 411-020-0002 (1)(e).

Financial exploitation) includes:

- (A) Wrongfully taking, by means including but not limited to deceit, trickery, subterfuge, coercion, harassment, duress, fraud, or undue influence, the assets, funds, property, or medications belonging to or intended for the use of an adult;
- (B) Alarming an adult by conveying a threat to wrongfully take or appropriate money or property of the adult if the adult would reasonably believe that the threat conveyed would be carried out;
- (C) Misappropriating or misusing any money from any account held jointly or singly by an adult; or
- (D) Failing to use income or assets of an adult for the benefit, support, and maintenance of the adult.

“Adult” in this rule includes individuals 65 years or older.

There are also administrative rules for protecting residents’ resources while they are living in a facility, such as a nursing home, adult foster home, assisted living facility or residential care facility.

Laws pertaining to financial victimization of the elderly

NOTE: Below are only brief summaries of the referenced statutes. For complete statutory language, the actual statutes should be consulted. If questions arise about the applicability of a particular statute, legal counsel should be consulted.

Criminal Statutes

Criminal mistreatment ORS 163.205

A person commits the crime of criminal mistreatment in the first degree if a person, in violation of a legal duty to provide care for another person, or having assumed the permanent or temporary care, custody or responsibility for the supervision of another person, intentionally or knowingly withholds necessary and adequate food, physical care or medical attention from that other person. A person also commits the crime of criminal mistreatment if the person, in violation of a legal duty to provide care for a dependent person or elderly person, or having assumed the permanent or temporary care, custody or responsibility for the supervision of a dependent person or elderly person, intentionally or knowingly does one of the following: a) causes physical injury to the dependent person or elderly person; b) deserts the dependent person or elderly person in a place with the intent to abandon that person; c) leaves the dependent person or elderly person unattended at a place for such a period of time as may be likely to endanger the health or welfare of that person; d) hides the dependent person’s or elderly person’s money or property or takes the money or property for, or appropriates the money or property to, any use or purpose not in the due and lawful execution of the person’s responsibility; e) takes charge of a dependent or elderly person for the purpose of fraud; or f) leaves the dependent person or elderly person, or causes the dependent person or elderly person to enter or remain, in premises where a chemical reaction is occurring involving one or more precursor substances of a controlled substance. A “legal duty”, as defined in ORS 163.205 includes, but is not limited to, a duty created by familial relationship, court order, contractual agreement or statutory or case law. Criminal mistreatment in the first degree is a Class C felony.

Theft and related offenses ORS 164.005 to 164.125

A person commits theft when, with the intent to deprive another of property or to appropriate property to the person or to a third person, the person: a) takes, appropriates, obtains or withholds such property from an owner; b) commits theft of property lost, mislaid or delivered by mistake; c) commits theft by extortion; d) commits theft by deception (see below); or e) commits theft by receiving. Whether the theft is a felony or misdemeanor depends upon the circumstances surrounding the theft including the value of the item stolen.

Theft by deception ORS 164.085

Theft by deception occurs when a person, who obtains the property of another with intent to defraud the person: a) creates or confirms another’s false impression of law, value, intention or other state of mind that the actor does not believe to be true; b) fails to correct a false impression that the person previously created or confirmed; c)

prevents another from acquiring information pertinent to the disposition of the property involved; d) sells, transfers or encumbers property, failing to disclose a lien, adverse claim or other legal impediment to the enjoyment of the property, whether such impediment is or is not valid, or is or is not a matter of official record; or e) promises performance that the person does not intend to perform or knows will not be performed. A “deception” requires financial significance and must be representations likely to deceive an ordinary person in the group that is addressed.

Mail theft or receipt of stolen mail ORS 164.162

A person commits the crime of mail theft or receipt of stolen mail if the person intentionally; a) takes or, by fraud or deception, obtains mail from a post office, postal station, mail receptacle, authorized depository or mail carrier; b) takes from the mail any article contained therein; c) embezzles or destroys mail or any article contained therein; d) takes or, by fraud or deception, obtains mail that has been delivered to or left for collection on or adjacent to a mail receptacle or authorized depository; or e) buys, receives, conceals or possesses mail or any article contained therein knowing that the mail or article has been unlawfully obtained. Mail theft or receipt of stolen mail is a Class C felony.

Burglary ORS 164.205 to 164.235

Generally, a person commits the crime of burglary if the person enters or remains unlawfully in a building with an intent to commit crime. Burglary in the second degree is a Class C felony, while a burglary in the first degree is a Class A felony.

Criminal trespass ORS 164.245 to 164.272

Generally a person commits criminal trespass if the person enters or remains unlawfully in a motor vehicle or in a building or dwelling. Criminal trespass crimes vary in seriousness from a Class C misdemeanor to a Class A misdemeanor.

Forgery ORS 165.002 to 165.013 (fraud and deception offenses)

A person commits a forgery in the second degree if, with the intent to injure or defraud, the person falsely makes, completes or alters a written instrument; or issues, delivers, transfers or tenders a written instrument which the person knows to be forged. Forgery in the second degree is a Class A misdemeanor. Forgery in the first degree includes the elements of a second degree forgery but involves a written instrument such as an instrument of value issued by a governmental agency, an issue of stock, a deed, a will, a contract or assignment, or a check for \$1000 or more or a credit card purchase slip of \$1,000 or more. A Forgery in the First Degree is a Class C Felony.

Fraudulently obtaining a signature ORS 165.042

A person commits the crime of fraudulently obtaining a signature if, with intent to defraud or injure another, the person obtains the signature by knowingly misrepresenting any fact. Fraudulently obtaining a signature is a Class A misdemeanor.

Fraudulent use of a credit card ORS 165.055

A person commits the crime of fraudulent use of a credit card if, with intent to injure or defraud, the person uses a credit card for the purpose of obtaining property or services with knowledge that: a) the card is stolen or forged; b) the card has been revoked or canceled; or c) for any other reason the use of the card is unauthorized by either the issuer or the person to whom the credit card is issued. The value of a single credit card transactions may be added together with others if the transactions were committed against multiple victims within a 30-day period or against the same victim within a 180-day period. Whether the crime is a Class A misdemeanor or Class C felony is determined by the total amount of property or services the person obtains or attempts to obtain.

Falsifying business records ORS 165.080

A person commits the crime of falsifying business records, if with intent to defraud, the person a) makes a false entry, b) alters or removes a true entry, c) fails to make a true entry in the business records in violation of a known duty imposed by law or by the nature of the position of the person, or d) prevents the making of a true entry in business records. Falsifying business records is a Class A misdemeanor.

Misapplication of entrusted property ORS 165.095

A person commits the crime of misapplication of entrusted property if, with knowledge that the misapplication is unlawful and that it involves a substantial risk of loss to the owner or beneficiary of such property that has been entrusted to the person as a fiduciary or that the property is from a government or financial institution. Misapplication of entrusted property is a Class A misdemeanor.

Obtaining execution of documents by deception ORS 165.102

A person commits the crime of obtaining execution of documents by deception if, with intent to defraud, injure another or acquire a special benefit, the person uses fraud, deceit, or subterfuge to carry out the completion of a written instrument. Obtaining execution of documents by deception is a Class A misdemeanor.

Records from banks and other financial institutions

Disclosure initiated by bank ORS 192.586

A financial institution, at their discretion, may initiate contact with the appropriate state and local agencies about suspected violations of law. The financial institution may follow up by communicating with the agency and disclosing relevant customer financial records.

Authorization by customer for disclosure ORS 192.593

Banks and other financial institutions may disclose records to a state agency with a written authorization of the customer. ORS 192.593 includes items that must be included in the authorization of disclosure.

Liability for a bank reporting ORS 192.600

A financial institution is protected from liability for initiating contact and reporting to protective agencies or disclosing financial records under ORS 192.586 (2)(a).

Disclosure to law enforcement ORS 192.603

A police, sheriff's department, or district attorney's office may request specified account information for criminal investigation purposes without issuing a subpoena.

Disclosure to law enforcement for an abuse investigation 2012 Oregon laws Chapter 70

A financial institution must disclose financial records of an alleged abuse victim to law enforcement or a district attorney's office upon receipt of a subpoena issued by a court or on behalf of a grand jury in connection with an abuse case conducted under ORS 124.070 or 441.650. Except when specifically directed by the court or district attorney issuing the subpoena not to, a financial institution that discloses and provides copies of financial records may, but is not required to, inform the person about whom the financial records have been sought about the disclosure or inform the person's caretaker, fiduciary or other legal representative about the disclosure. In addition, a financial institution that provides copies of financial records is entitled to seek reimbursement for costs as provided by ORS 192.602.

Civil Remedies

Civil cause of action for abuse of vulnerable persons ORS 124.100 to 124.140

ORS 124.100 and ORS 124.110 provide that a vulnerable person (an elderly person age 65 or older or an incapacitated person) who suffers injury or damage as a result of financial abuse may bring an action against the person who caused the financial abuse or against the person who permitted another person to engage in financial abuse. Specifically, a claim for financial abuse may be brought when a person wrongfully takes or appropriates money or property of a vulnerable person, without regard to whether the person taking or appropriating the money or property has a fiduciary relationship with the vulnerable person. Civil liability can also arise when a vulnerable person requests that a person transfer to the vulnerable person any money or property that the other person holds or controls, and the other person, without good cause, either continues to hold the money or property or fails to take reasonable steps to make the money or property readily available to the vulnerable person when: a) the ownership or control of the money or property was acquired by the other person from the vulnerable person; and b) the other person acts in bad faith, or knew or should have known of the right of the vulnerable person to have the money or property transferred as requested or otherwise made available to the vulnerable person. Damages that can be recovered from a civil action of this kind are set forth in statute and include attorney fees and the possibility of a penalty of up to three times the amount of economic and non-economic damages.

Restraining orders related to elder financial abuse ORS 124.005 to 124.040

ORS 124.005 and ORS 124.040 gives elderly persons and persons with disabilities the right to petition the court for a temporary restraining order for financial exploitation. The definition of abuse under these statutes is wrongfully taking or appropriating or threatening to wrongfully take money or property of an elderly person or a person with disabilities.

Unlawful Trade Practice Act (UTPA) ORS 646.605 to 646.652

A person or entity engages in an unlawful trade practice when, in the course of the person's or entity's business, vocation or occupation, the person or entity: a) employs any unconscionable tactic in connection with the sale, rental or other disposition of real estate, goods or services, or collection or enforcement of an obligation; or b) fails to deliver any portion of real estate, goods or services as promised, and upon request of the customer, fails to refund any money that has been received from the customer that was for the purchase of the undelivered real estate, goods or services and that is not retained by the seller pursuant to any right, claim or defense asserted in good faith. A variety of specific prohibited acts are set forth in statute. A plaintiff can recover damages, penalties and attorney fees if successful in a lawsuit under the Unlawful Trade Practices Act.

Unlawful debt collection practices ORS 646.639

A person commits an unlawful debt collection practice if the person, who in the course of their business, vocation or occupation, engages in abusive, unfair, and deceptive actions to collect debt. The statute sets forth a variety of prohibited actions.

Contest and sweepstakes solicitations ORS 646.651

A person engages in unlawful practices when in the course of the person's business, vocation, or occupation the person uses the U.S. mail to solicit participation in a contest or sweepstakes and the person does not clearly and conspicuously make statutorily required disclosures or makes prohibited representations. Successful plaintiffs can recover damages, penalties and attorney fees.

Consumer protection laws for goods and services that may be purchased by elders and persons with disabilities; simulated invoices ORS 646A.280 to 646A.290

A person commits an unlawful trade practice if the person issues, delivers, transfers or tenders a simulated invoice that has unordered goods and the amount to be paid for the unordered goods. A plaintiff can recover damages, penalties and reasonable attorney fees.

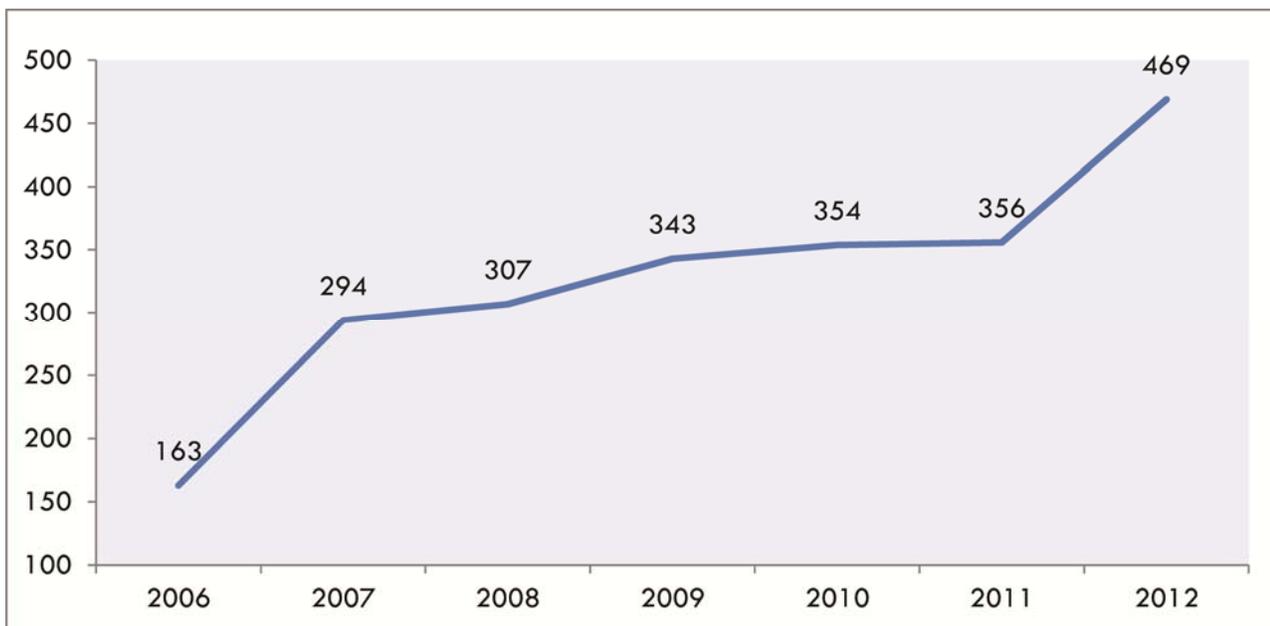
Statistics on financial exploitation

Financial exploitation is one of the fastest growing areas of abuse of older adults.

- As the baby boomer generation ages, financial abuse will worsen. In 2010, Oregon had approximately 500,000 people aged 65 and older. In 2020, that number is projected to be more than 750,000 (Oregon's Demographic Trends, Office of Economic Analysis, December 2012).
- In Oregon in 2011, in domestic settings, there were 8,283 completed Adult Protective Services investigations of abuse and self-neglect. Of the 8,283 investigations, 5,992 were for abuse. Of the 5,992 abuse investigations, 40 percent were for financial exploitation. For more data, see the Adult Protective Services Data book located at <http://cms.oregon.gov/dhs/spwpd/pages/abuse/index.aspx>, or go to www.oregon.gov, click on DHS, choose the Abuse and Neglect button and then select elder abuse.

- Older adults have had their lifetime to acquire savings, social security and property. An older adult whose only asset is \$700.00 a month of social security benefits can still be targeted by abusers.
- The National Elder Abuse Incidence Study indicates that what is reported is “just the tip of the iceberg.” More than half a million reports of abuse against elderly Americans reach authorities every year, but estimates are that only 1 in 25 cases are reported.

7-Year Trend of Oregon Bankers Reporting to Adult Protective Services



Financial exploitation is increasing and banks and Adult Protective Services are increasing their actions to prevent financial abuse.

Examples of exploitation

Financial exploitation of older adults can generally be classified in two broad categories, namely exploitation by a person known to the victim or exploitation by a stranger.

Examples of exploitation perpetrated by a family member, acquaintance, person acting with power of attorney, or court appointed fiduciary:

Misappropriation of income or assets

Perpetrator obtains access to an older adult's social security payments, pension payments, checking or savings account, online banking account, credit, ATM or debit card, or withholds portions of checks cashed for an older adult.

Charging excessive rent or fees for services

Perpetrator charges an older adult an excessive rent or unreasonable fees for basic care services such as transportation, food or medicine.

Obtaining money or property by undue influence, misrepresentation or fraud

Perpetrator coerces an older adult into signing over investments, real estate or other assets through the use of manipulation, intimidation or threats.

Improper or fraudulent use of the power of attorney or fiduciary authority

Perpetrator improperly or fraudulently uses the power of attorney or fiduciary authority to alter an older adult's will, to borrow money using an older adult's name, or to dispose of an older adult's assets or income.

Examples of exploitation perpetrated by a stranger, con artist, unscrupulous salesman or contractor, or person representing a bogus charity include:

Grandparent scam

Perpetrator poses as a grandchild of the older adult and requests that he or she load a MoneyPak or wire money to help "the grandchild" get out of a bad situation.

Grant fraud scam

Perpetrator poses as a representative of a government agency or some other organization with an official sounding name. He or she contacts older adult notifying him or her that they've been selected to receive a grant and requests the older adult's checking account number in order to deposit grant the funds into the account.

Lottery scam or advance fee scam

Perpetrator tells an older adult that he or she has won a nonexistent prize and obtains the older adult's credit card or checking account number to pay for taxes, fees or shipping and handling charges or to verify the older adult's identity.

Lonely hearts

Perpetrator befriends older adult in person, by phone or online and convinces him or her to send money to help them or a family member out of a bad situation (appeals to widows and widowers).

Mystery shopper

Perpetrator enlists older adult to become a "mystery shopper" for them and sends older adult a counterfeit cashier's check. They are instructed to cash the check, wire a portion back to the perpetrator and keep the remaining amount (appeals to those on a fixed or limited income).

Bank examiner scam

Perpetrator represents him/herself as a bank examiner and convinces an older adult to make a large withdrawal to help catch a dishonest bank employee.

Pigeon drop

Perpetrator claims to have found a sum of money and offers to split it with an older adult provided the older adult first withdraws an amount equal to his or her share as a sign of good faith.

Fake accident ploy

Perpetrator convinces an older adult that the older adult's child has been seriously injured or is in jail and needs money for medical treatment or bail.

Telemarketing and mail fraud

Perpetrator persuades an older adult to buy a valueless or nonexistent product, donate to a bogus charity, or invest in a fictitious enterprise or timeshares, free trial offers, sweepstakes and prizes.

Fake computer repair

Perpetrator informs an older adult that his or her computer isn't working appropriately and convinces the older adult to provide access to his or her computer and passwords, bank account or personal information.

Unsolicited work

Perpetrator arrives unexpectedly at an older adult's residence and offers to perform work for a reasonable fee. After starting the work, the perpetrator insists that the older adult pay more than originally agreed to before the work will be completed.

Money transfer scams

Perpetrator convinces an older adult to send funds via Western Union or other money transfer services, using a number of elaborate schemes.

Chapter 3

Recognizing financial exploitation

When should a bank employee question a transaction or report possible financial abuse?

The following pages provide warning signs and risk factors for financial exploitation. Any of these signs could indicate that an older adult is in jeopardy. If you see irregular banking activity and judge that the older adult may not be able to protect his or her interests, then you have reasonable cause to question the transaction.

Trust your professional experience. Bank personnel see many different people and understand banking and banking behavior. Only a relatively few persons or activities cause concern of exploitation. Consider the following when determining whether an older adult may be in jeopardy:

- Is there more than one person in the bank that has the same concern?
- Is there a question that a customer is not freely making a banking transaction?
- Is the customer using informed consent?
- Is there a possibility that the transaction is happening without the older adult's consent by trickery, intimidation or coercion?
- Is the older adult confused and cannot give consent?
- Is there suspicious financial activity coupled with changes in or unusual behavior? If both are happening, then there is a good reason to be concerned.

Bank personnel should note:

- The more quickly a report is made, the faster the exploitation can be stopped.
- Bank personnel do not need "proof" that elder financial exploitation is occurring. Suspicion, not proof, is adequate.
- It is the job of Adult Protective Services and/or law enforcement to determine if exploitation is occurring.

Warning signs: Changes in or unusual behaviors

A vulnerable adult may be a victim of financial abuse if:

- A. He or she is accompanied by someone that may not have his or her best interests at heart, such as:
 - A stranger.
 - A family member or other person who seems to coerce or bully him or her.
 - An acquaintance who appears too interested in the customer's financial dealings.
 - A recent or new acquaintance that takes up residence with the customer.
- B. The individual speaks on behalf of the customer even though the customer is present.
- C. His or her independence is limited.
 - Not allowed to speak for him or herself or to make decisions.
 - Apparently isolated from others.
- D. He or she shows fearful behaviors.
 - Nervous or afraid of the person accompanying him or her.
 - Fearful he or she may be evicted or institutionalized.
- E. He or she is confused or cannot give plausible explanations about finances.
 - Implausible explanations are given to what other people are doing or going to do with the money.
 - Concerned or confused about missing funds.
 - Reports missing property or documents.
 - Unable to remember signing paperwork or making transactions.
 - Exhibits unreasonable distrust by accusing others of mismanaging money.
 - Frequently forgetting questions asked or items necessary to do business such as checkbooks or deposit slips.
- F. He or she appears neglected or is in danger of losing a secure living situation.
 - Being evicted or having his or her utilities disconnected.

- Receiving insufficient care compared to financial means.
- Displays noticeable changes in appearance, grooming, mood, body language or relationship.

Warning signs: Suspicious financial activities

The activities below may signal possible financial abuse:

- Unusual volume of banking activity.
- Large or frequent withdrawals.
- Frequent account changes from branches or banks.
- Bank activity that is inconsistent with the customer's usual habits.
- Requests by third parties for access to devices on the customer's behalf. This includes ATM and debit cards and access to online banking and bill pay.
- Frequent cash withdrawals from ATMs.
- ATMs used at casinos and customer does not gamble.
- Opening new credit cards when customer has a stable credit card history.
- Established pattern of deposits or withdrawals suddenly changes.
- Stable and single beneficiary trusts revoked.
- Suspicious signatures on checks or other documents.
- Other people's handwriting on checks, slips or applications.
- Debit card or ACH transactions that do not fit the customer's normal spending pattern or are beyond their capabilities (i.e.: PayPal, music downloads, online shopping).
- Multiple requests to wire money internationally in increasing amounts or to money transfer businesses.
- Execution of a new Power of Attorney or adding someone to a signature card when appearing confused.
- Mail is no longer mailed to the customer's home.
- Sudden increase in debt.

- Bank loans obtained or drawn upon.
- Large unusual credit card charges.
- Second mortgages.
- Customer unaware of transactions.
- Changes in documents such as wills, titles or power of attorney when the customer is confused.
- Money being withdrawn with no apparent benefit for the customer.
- Large or frequent online banking transfers to accounts accessible by other parties.

Who is at most risk for financial exploitation?

The following factors can increase the risk of abuse:

- Adults who are frail, ill, disabled, depressed or lonely.
- Adults who are physically or emotionally dependent upon others.
- Adults who need help with finances or have never managed their finances before.
- Adults who are confused or have dementia.

Financial exploitation can diminish or destroy an older adult's economic stability and quality of life.

Often financial exploitation goes hand-in-hand with other types of abuse and neglect such as verbal/emotional abuse, physical abuse and neglect of care. If you believe an older person is being exploited, then he or she may also be abused and neglected. If you see that an older person is neglected or abused, then he or she may also be taken advantage of financially.



Common risk factors for financial exploitation

Common patterns of exploitation:

- **Dependency:** The older adult or person with disability who is physically, mentally, or emotionally dependent on family, a friend or caregiver may fall victim to a calculating or opportunist exploiter. Over time, the person gradually becomes dependent upon the exploiter for all aspects of well-being. The exploiter uses the person's money for his or her own needs. Often the exploiter is dependent upon the person's income.
- **Failing health or cognition:** The older adult or person with disability finds it increasingly difficult to manage his or her finances and will turn to someone for help. The delegation of this responsibility and the authority is not discussed. The exploiter may simply start helping the person with his or her finances. The exploiter may then add his or her name to bank accounts, ask to set up an ATM and debit card in his or her name, set up an online banking account and obtain a power of attorney. Often excuses are made to gain more and more control over the person's finances.
- **Confusion:** In this case, the person is already confused before the exploiter becomes involved. An attorney is hired for the exploiter to gain control over the person's finances. A legal fiduciary may take advantage and misappropriate funds. There is often inadequate screening or oversight to require any accountability of the fiduciary.
- **Bereavement and loneliness:** Older adults in long marriages or persons with disabilities with caring parents find themselves alone after the death of a loved one. Often, the person who dies managed the finances. The surviving spouse or child is coping with being alone plus the responsibility of taking care of everything him or herself. The help of the exploiter offers a welcome relief and the exploiter gains control of the finances.

Chapter 4

Bank responses to financial exploitation

What does the front line bank employee do when confronted with a situation involving older adult financial exploitation? This is where training and protocol pay off. This kit's video illustrates six scenarios and responses:

Situation	Response
Daughter-in-law inappropriately uses an ATM.	Teller took ATM card from perpetrator and reported to supervisor. Supervisor contacted customer and then contacted Adult Protective Services (APS).
Caregiver asks bank to grant her power of attorney.	Customer service rep asks older adult her wishes, tells caregiver bank will not grant power of attorney, contacts supervisor. Supervisor contacts APS. APS asks bank if it can put a hard hold on the account. Bank alerts other branches.
Older adult withdraws large amounts of money to "purchase" lottery winnings.	Teller questions older adult then contacts supervisor. Supervisor contacts the Department of Justice.
Two suspicious men attempt to get older adult to withdraw large amount of cash.	Teller questions older adult then contacts supervisor. Supervisor asks older adult to speak with her alone. Teller takes photo of perpetrators and notes date/time. Police notified.
Older adult discovers bank account is missing funds.	Bank phone center employee calls APS.
Grandson wants to establish joint account without older adult being present.	With nod from security officer, teller allows grandson to take signature card home to customer.



Two suspicious men attempt to get an older adult to withdraw a large amount of cash.

Develop protocols for responding to financial abuse

Banks, older adults, people with disabilities, public agencies and law enforcement all want to be fair, consistent and effective in preserving privacy and providing protections for vulnerable adults at risk of exploitation.

Considerations when developing a protocol:

- When a teller has a concern, who and when should they tell?
- How much information should the teller or supervisor gather?
- Who makes the report about potential abuse and how much information should be provided to law enforcement or Adult Protective Services?
- What are the roles of tellers, supervisors and bank security in detecting and preventing abuse?
- How much should the bank interview the customer and other parties?
- What other reporting needs to be completed?
- Does a Suspicious Activity Report (SAR) need to be filed?
- Are there red flags for ID Theft?

Quick response and close attention are the enemies of exploiters.

Helpful information to gather

Learn the reason for the transaction from the bank customer.

- Inquire about the reason for suspicious transactions.
- Have the customer explain the reason.
- If the customer is prevented from answering, this may be a red flag for exploitation.

A bank's protocol should address the following elements or questions:

First, when a frontline employee encounters a situation of suspected financial exploitation, they should know to whom, within the bank, they should report the suspected violation.

Second, who in the bank is responsible for making the report to the state or local agency or agencies on behalf of the bank?

Third, what information is to be gathered and provided in the report? The full name of the elder customer, the number of any bank accounts that are involved, and the date, time and basic facts of the incident giving rise to the suspected abuse are examples of the kinds of information that a bank's protocol should ensure is collected and provided.

Check third party authorization and documentation:

- Many exploiters exaggerate or misrepresent their positions or powers.

Obtain and preserve photographic evidence:

- A surveillance photograph or tape may provide critical evidence or help to dissuade the exploiter.
- In the absence of a photograph, describe the suspected exploiter.

Interview the bank customer in private if possible:

- See if the customer can be separated from the person in question.

Helpful things to say

- Express your concern and emphasize the bank's commitment to protecting customers.
- Empathize with the customer and validate his or her feelings.
- Ask clear, non-threatening factual questions.
- Tell older adults they aren't alone (people are reluctant to reveal exploitation).
- Don't say that you are concerned simply because the customer is older.
- Don't let anyone else speak for the older adult; this is a "red flag" that something is wrong.
- Explain that you are concerned the situation will only get worse.
- Ask him or her if there is anyone else whom they trust who might provide a second

opinion. Review their accounts for other authorized signers that could be contacted for help.

The amount of loss does not have to be large to be substantial to an older adult; \$20 or \$40 can be substantial to someone who lives on \$800 a month.

Bank employees who report abuse may be in a unique position to assist. Older adults are often isolated. Your call may be his or her only chance to have someone look into the situation.

Possible bank responses

The following steps are suggested to help determine if questionable transactions should or should not be processed.

Teller response steps	Supervisor response steps
<p>The teller should learn the reason for questionable transactions. Ask the older adult - not the person accompanying him or her - the reason for the activity. If the older adult is prevented from answering, this may be a sign of financial exploitation.</p>	<p>The supervisor should separate the customer from any companion so that the supervisor is able to speak with older adult alone. The older adult who is prevented from speaking for him or herself is a potential victim of exploitation.</p>
<p>The teller should check authorizations to act for the older adult. It is important to check all documents, including signature cards, guardianship and power of attorney to be sure that the person claiming to act for the older adult has the authorization to do so. It is common for people who commit financial exploitation to exaggerate their authority to act for an older adult. The person may claim to be helping the older adult or may explain that the older adult is unable to visit the bank in person.</p>	<p>The supervisor may offer fraud information to the customer and options, including seeing if the older adult is willing to wait a period of time to complete a transaction. A common tactic of exploiters is to make the older adult believe it is urgent that the older adult act now. It is also advisable to warn customers of the dangers of carrying large amounts of cash.</p>
<p>The teller who suspects fraud should contact a supervisor immediately. Together, the supervisor and teller can review the account history, the pattern of transactions, and the transaction in question to determine if the transaction should be processed, stopped or reported to bank security.</p>	<p>The supervisor should notify bank security of a questionable transaction. If the older adult is thought to be in immediate danger, the supervisor or security officer should immediately notify local law enforcement.</p>
<p>The teller and supervisor may choose to explain that large or unusual transactions are routinely questioned.</p>	

Chapter 5

Legal protection for banks

Legal issues

As detailed in Chapter 2, there are many statutes related to elder abuse. Financial institution employees should be aware that there are legal issues related to reporting elder abuse as well. An issue of great concern to financial institutions is the potential liability stemming from disclosure of confidential account information.

Under Oregon law, a financial institution may make contact and communicate with appropriate state or local agencies concerning any suspected violation of the law. ORS 192.586 (2)(a) allows the reporting institution to disclose customer financial records to the state or local agency when financial exploitation is suspected. In Oregon, a financial institution is not liable to any person for any loss, damage, or injury arising out of or in any way pertaining to the release of information pursuant to ORS 192.586 (2)(a). ORS 192.600 (5). Note that the provisions of ORS 192.586 (2)(a) and ORS 192.600 (5) only apply when a financial institution contacts the appropriate agency or law enforcement.

While financial institutions are not required by Oregon law to report instances of suspected financial exploitation, institutions should seriously consider reporting suspected financial abuse or exploitation to the appropriate state agency or law enforcement if reasonable cause exists. By reporting the suspected exploitation, the financial institution may open the door for a victim of financial exploitation or a state or local agency to bring a civil action or criminal charges against the perpetrator.

Liability for not reporting

As stated in chapter 2, ORS 124.100 provides a civil cause of action for victims of financial abuse.

ORS 124.100 also provides that an action may be brought against a person who permits another to engage in financial (or physical) abuse if the person knowingly acts or fails to act under circumstances in which a reasonable person should have known of the abuse.

Financial institution employees who fail to report suspected instances of abuse could possibly find themselves included in a lawsuit for violation of ORS 124.100. However, ORS 124.115 provides that financial institutions may not be sued in an action under ORS 124.100. In any event, by reporting suspected financial exploitation, banks and their employees have arguably limited the possible liability under ORS 124.100.

Internal policies needed

Financial institutions are urged to develop written policies and procedures regarding their participation in reporting financial exploitation. Financial institutions should also have legal counsel review the legal issues related to reporting.

General immunity for good faith reporting

Finally, it is important to know that Oregon law provides immunity from civil action to anyone, including financial institution employees and the general public, who reports, in good faith, suspected abuse of an older person to the appropriate Adult Protection Services Agency, ORS124.075. Additionally, anyone who reports suspected abuse can request to remain anonymous.

Financial institutions are urged to develop written policies and procedures regarding their participation in the reporting of financial abuse.



Chapter 6

Reporting financial exploitation

How to report financial exploitation

The Department of Human Services (DHS) local offices of Aging and People with Disabilities (APD), and Area Agencies on Aging (AAA) provide protective services and investigate financial exploitation and other abuse and neglect.

To report financial exploitation and other abuse and neglect of older adults or persons with disabilities:

Financial exploitation is investigated by local Adult Protective Services offices. To find the local office that serves your area, visit: <http://cms.oregon.gov/dhs/Pages/localoffices/index.aspx> or visit www.oregon.gov, Department of Human Services.

You can also call the DHS state office. The state office will answer questions and assist you with referral to the local office:

Office of Adult Abuse Prevention and Investigations
2575 Bittern Street, NE
Salem, OR 97301

Phone: 1-800-232-3020 within Oregon or 503-945-9495
TTY relay: 1-800-735-2900
Fax: 503-945-9893

To report crime:

When there is an emergency situation or a present and obvious violation of law committed in a financial institution, then an immediate report should be made to local law enforcement.

To report consumer fraud:

In cases of suspected exploitation by telemarketing or scams, reports should also be made to the Consumer Fraud Unit of the Oregon Department of Justice. The transaction must be between an individual and a business. The Consumer Fraud Office may be contacted at: <http://www.doj.state.or.us/consumer/hotline.shtml> or at:

Salem area 503-378-4320
Portland area 503-229-5576
Oregon (toll free) 1-877-877-9392
Email: consumer.hotline@doj.state.or.us

When you make a report

When the bank places a call to Adult Protective Services, the caller should quickly state that the call is regarding possible older adult financial exploitation so that the APS agency will know that a quick response is needed.

Points to remember and consider:

- Bank personnel do not need “proof” that elder financial exploitation is occurring. Suspicion, not proof, is adequate. It is the job of Adult Protective Services and/or law enforcement to determine if exploitation is occurring.
- APS agencies regularly intervene in exploitation involving personal relationships. The suspected exploiter is most often someone known by the reported victim, such as a family member, friend, caregiver, legal fiduciary or acquaintance. Older adults are particularly vulnerable to abuse from persons they know, trust, love or depend upon. APS agencies are experienced with the delicate nature of abuse by a family member or someone close to the older adult.
- Complainant’s identity is confidential and may be anonymous.
- APS provides protective services as well as investigates complaints of abuse and neglect.
- APS will become involved to prevent loss, whereas law enforcement and consumer fraud unit can only intervene once there is a loss.
- When appropriate, APS reports cases to law enforcement and the consumer fraud unit.

What happens when you make a report?

When you call Adult Protective Services, a representative will ask for details about the situation and for relevant records.

The complainant’s name and the investigation report are confidential unless disclosed by court or law. The older adult may review the report upon request, but unless there is permission, all other participants’ identifying information will be removed.

The APS investigator will proceed to make an unannounced on-site visit to the reported victim (unless there are conditions which make that inadvisable). Anyone having information which could shed light on the situation will be interviewed. The older adult will be interviewed alone unless they request someone to be present. All relevant documents and records will be sought.

The investigator will determine if there is wrongdoing, offer assistance to the victim and take steps to correct the situation. The older adult’s right to make choices about their affairs is respected.

Services offered to the older adult can include, but are not limited to, advocacy and assistance with referrals for financial, legal, housing and medical needs. Money management and other options may be offered if resources are

available. If a crime has been committed, the APS agency will work with law enforcement and the district attorney's office on possible prosecution and restitution. Civil action may also be initiated.

The APS agency can also respond to calls about the following:

- Neglect: failure to provide basic care.
- Physical abuse: excessive force, physical assault and resulting pain.
- Psychological abuse: ridicule, threats or denial of civil liberties.
- Sexual abuse: sexual contact that is forced or the victim is unable to give consent.
- Abandonment: desertion or withdrawal of duties.
- Self neglect: inability to care for self.
- Involuntary seclusion: locking up or isolating an adult for convenience or discipline.
- Wrongful restraint: tying up or sedating an adult for convenience or discipline.

The APS agency also responds to referrals of suspected abuse and neglect of persons with disabilities who cannot protect themselves.

Chapter 7

Remedies and prevention

Some remedies for financial exploitation

If careful investigation and assessment indicate that abuse has occurred, a variety of interventions can be initiated to recover assets and protect older adults from further abuse. Typical steps that may be taken include the following:

Misused bank accounts

- The bank may be contacted to “flag” the account and observe it with caution.
- Information may be accessed regarding the account through a bank visit with the older adult. If the older adult is homebound and has not granted anyone power of attorney, a home visit by bank personnel may be arranged.
- The misused account may be closed and the older adult may open a new account. This can be done in person or via a letter signed by the older adult. Each bank will have its own protocol. Bank personnel should make sure any direct deposits and valid automatic payments are transferred to the new account.
- Copies of past canceled checks, bank statements and withdrawals may be requested to look for forgery or unusual activity. If forgery or misuse of funds is apparent, the older adult can sign an affidavit with the bank and it will be investigated. The police or FBI may get involved at this point.
- Reg E Error Resolution Policy – The older person will need to contact the bank to notify bank personnel of any unauthorized electronic transfers (ACH, ATM, POS or online banking transfers). The bank may request confirmation in writing. The bank will be asked to block any ATM or debit cards that have been misused, and to restrict access to online banking.

Misuse of power of attorney

- The older adult may verbally inform the attorney-in-fact that the power of attorney is being revoked. This revocation can only be performed if the older adult is capable. If the older adult no longer has capacity and the power of attorney is not a durable power of attorney, it is not a valid document.
- The older adult should sign a letter of revocation.
- The older adult should send a copy of the letter to the attorney-in-fact.
- Copies of the letter should then be sent to the older adult’s bank and other financial institutions.

- In some states, courts can call for an accounting.
- It will be declared that the attorney-in-fact has misused the power of attorney and have it revoked if it is in the best interest of the principal.
- The investigating worker may file the revocation letter with the county recorder's office.
- In some states, a court investigator can be asked to investigate the misuse of a power of attorney.
- Legal counsel may be sought.

If abuse has occurred, a variety of interventions can be initiated to recover assets and protect older adults from further abuse.

Prosecution

Proving that financial exploitation has occurred often involves determining what an elderly victim understood at a certain time in the past. Both building and prosecuting these cases can require special training.

Prosecutors must be able to establish the following:

- Did the elder lack capacity when the transaction occurred?
- Did the suspect know that the elder lacked capacity?
- Did threats, force or duress cause the elder to transfer property or give away assets?
- Were assets taken or used without permission by someone the elder trusted?
- Did misrepresentation or false promises cause the elder to transfer money or property?
- Was undue influence used to have the elder to turn over assets or to sign a power of attorney?

Elder financial abuse has come to national attention, as there is more and more financial fleecing of older adults. The number of cases going to prosecution and the number of successful convictions has significantly grown but has not kept up with the incidences of abuse.

On March 23, 2010, Congress passed the first comprehensive federal elder abuse prevention law called the Elder Justice Act.

Nationally, the American Bar Association's Commission on Legal Problems of the Elderly and the Police Executive Research Forum have each published excellent materials and made trainings available to those working with elder victims. In the prosecution forefront is the National Association of Attorneys General whose Consumer Protection/Telemarketing Fraud Enforcement Project provides training and technical assistance to prosecutors.

Chapter 8

Preventing financial exploitation

The following helpful tips are designed to be shared with bank customers to help them avoid financial exploitation.

What might help:

- Power of attorney.*
- Representative payee.
- Bill pay programs.
- Direct deposit.
- Joint bank accounts if the other signee can be trusted.*
- Advance directive for health care.
- Living trusts and life estates.
- Case management.
- Conservatorship.
- Guardianship.
- Civil or criminal action for recovery.
- Multidisciplinary teams.
- Public education for older adults, their families and the community.
- Training programs for professionals.

**Some of these tools (particularly powers of attorney and joint accounts) can also be part of financial exploitation.*

Who might help with information or hands-on assistance:

- Family.
- Friends, neighbors and volunteers.
- Health care provider.
- Attorneys, including the Senior Law Project.

- Law enforcement.
- Department of Justice/Medicaid Fraud.
- Oregon Construction Contractors Board.
- Financial institutions.
- Non-profit agencies.
- The media: newspaper articles and radio talk shows, for example.
- Government agencies (Victims Assistance and Social Security, for example).
- Senior centers.
- Case managers.
- AARP.
- Community/senior advocacy groups.

Good financial practice advice

- Review your bank statements in a timely matter.
- Use direct deposit for your checks if possible.
- Do not leave money or valuables in plain view.
- Sign your own checks. Do not sign “blank checks” where another person can fill in the amount or the recipient name. If you need someone to help you write out checks before you sign, ask a third party to review the check and take it to the bank.
- If someone is helping you with managing your finances, get a trusted third person to review your bank statement.
- Do not sign any document without reading it carefully.
- Do not sign any agreement until a trusted friend, other advisor or an attorney has reviewed it. If possible, have two advisers review the agreement.
- Do not lend money in return for a general promissory note.
- Do not sign over money or property to anyone in return for care, even a family member or friend, without having the agreement reviewed by an attorney. The agreement must be written. Give someone else a copy.
- Safeguard your ATM, debit and credit cards. Notify your bank immediately if one is missing.

- Do not give out card information over the telephone unless it is to someone with whom you regularly do business.
- Do not allow anyone, even a relative, to put his or her name on your account without your express consent. Your bank can set instead up a separate account in both names with automatic transfer of limited funds.
- Obtain and review your credit report on an annual basis. A free credit report can be obtained annually online at <https://www.annualcreditreport.com> or by calling 877-322-8228 and completing a verification process.

Safety tips for use of an automatic teller machine (ATM) or debit card

- Do not allow anyone else to use your ATM or debit card.
- Cancel your ATM or debit card if you do not use it.
- Do not give anyone your Personal Identification Number (PIN).
- Do not use an easily detectable PIN number (such as a birth date or social security number).
- Do not write your PIN down or keep your PIN with your ATM or debit card.
- Check bank statements carefully for unauthorized withdrawals.
- Do not use a poorly lit ATM. This is a danger sign because they are designed to be brightly lit for your safety. Report a poorly lit ATM to your bank.
- Do not disclose your online banking password to anyone. Do not grant unknown individuals access to your computer.
- Be aware of people around as you use an ATM. Do not let them watch you enter your PIN number.
- Put your money away safely before exiting an ATM area.
- Look around as you exit an ATM area.
- Do not use an ATM or leave a bank if you do not feel safe.
- For ATMs located in a separate locked room, do not open the door of the ATM area to anyone that doesn't have their own ATM access card.

Planning ahead

- Establish relationships with personnel at your bank.
- Cultivate friendships with people of all ages so you maintain a strong support network.
- Become familiar with resources in the community designed to help older adults and their families.
- Execute a power of attorney that will grant financial decision making power to a trusted friend, relative or attorney. Know the person whom you are granting this authority. A power of attorney can be as limited or as broadly defined as you wish and can be revoked any time. The specific “powers” given to this person should be detailed in writing. Give your bank a copy.
- Consider a durable power of attorney that will remain in effect even if you become incapacitated.
- Consider a trust, a legal arrangement where a person or financial institution manages assets for you.
- Put all financial instructions in writing. Be specific.
- Keep accurate and complete financial records.
- Gather all important documents together (wills, insurance policies and bank account information). Tell someone you trust where these documents are kept.
- Consider having a health representative (medical power of attorney) and advanced directives so your wishes will be respected should you become incapacitated and need placement or medical treatment.

Personal safety

- Be aware of the risks of living with a person who is a substance abuser or has a history of violence.
- Have a plan to keep yourself safe, and explore different housing options available to you.
- Keep in touch with your friends.
- Keep control of your own phone.
- Open and post your own mail.
- If you or someone you know is 65 or older or a person with disabilities and is a victim of abuse, call your local Adult Protective Services program.
- Local domestic violence organizations provide help lines, shelter and advocacy. They serve all ages and both females and males.

Avoid scams!

- If a deal seems too good to be true, it probably is!
- Never let yourself be rushed into a “deal.” This usually means the person is up to no good. Ask for details in writing and time to review them with a trusted friend, advisor or attorney.
- Never give out credit card numbers over the phone, in emails or to websites unless you initiated the call or order.
- Never give out your Social Security number or bank account number over the phone.
- Only give to charities you know. Check out unfamiliar charities.
- Obtain several estimates before you have any renovations or work done.
- As a rule, do not have work done on your home by companies or individuals contacting you and offering deals.
- Do not pay for work in advance.
- Check references, telephone numbers and home addresses.
- Contractors must be licensed by law. Check license numbers.
- Know to whom you are talking. Verify a situation with another family member before wiring or sending money.
- You should not have to pay a fee of any sort to claim a legitimate prize.
- Register with the Do Not Call Registry.
- Never pay to play in a sweepstakes.
- Never pay money to claim a prize.
- Do NOT give out prepaid card (money paks or Green Dot) serial # off the back of the card to someone you do not know.
- Close the door on pushy solicitors.

Questions?

Contact: The Attorney General's Consumer Complaint Line:

Phone:

Salem area 503-378-4320

Portland area 503-229-5576

Oregon (toll free) 1-877-877-9392

Email: consumer.hotline@doj.state.or.us

Chapter 9

Community outreach

Other ways banks can help

Some banks have been inspired to provide information to their communities about financial exploitation of older adults. Community involvement can promote a reputation for your bank of caring and safety.

- Develop and distribute educational materials, such as those in Chapter 8, alerting customers to scams and how to recognize the potential for exploitation.
- Conduct seminars or other presentations on elder exploitation.
- Generate media attention highlighting financial exploitation.
- Stay current with trends in financial abuse and techniques for stopping it.
- Offer older customers banking services designed to meet his or her special needs.
- Conduct regularly scheduled visits and limited banking services at places convenient to older adults, including senior centers and housing providers.
- Take a proactive approach to developing new procedures and product lines, including:
 - Mechanisms for detecting unusual account activity.
 - Alerts on accounts.
 - Procedures for verifying suspicious transactions.
 - Protected accounts for seniors.

Getting this essential information out to communities can be accomplished via a private-public partnership between Adult Protective Services (APS) agencies and your bank. Please feel free to contact your local Adult Protective Services agency for support. Speakers and support are available.

Beyond protective services, there can be other groups and agencies that could partner with your bank. AARP, local law enforcement and the Consumer Fraud Unit of the Oregon Department of Justice can supply handouts, displays and provide speakers.

Appendix A

History of the Oregon banker project

1995

Attorney General and Oregon Bankers Association (OBA) draft amendments to the Private Financial Records statute. Bill passes providing immunity to banks for reporting.

1996

Department of Human Services joins Oregon Bankers Association to conduct a training program to ensure bank employees know about the new law.

1997

A committee was formed by the Oregon Bankers Association, Department of Human Services, Department of Justice and American Association of Retired Persons to explore training initiatives.

1998-1999

A grant from the Office of Victims of Crime, Office of Justice Programs, U.S. Department of Justice was received by the Department of Human Services. Bank Employee Training Kit was developed and distributed to each Oregon bank branch and Adult Protective Services. Kits distributed to each state in the United States. Eleven local trainings for bankers were held in various parts of state.

2006

Bank Employee Training Kit was updated and again distributed to each bank branch in Oregon.

2006 – 2007

Nine local trainings for bankers were held throughout Oregon.

2008 – 2011

Additional trainings for bankers were held throughout Oregon.

2013

Bank Employee Training Kit was once again updated and distributed using new electronic formats.

Appendix B

Additional resources

American Bankers Association

Elder Financial Abuse self-paced online course, available to ABA members for \$55 non-members for \$75.

http://www.aba.com/Training/Online/eLearning/Pages/EL_RCElderFinAbuse.aspx

FDIC (Federal Deposit Insurance Corporation)

Money Smart for Older Adults – Available in English and Spanish

https://www.fdic.gov/consumers/consumer/moneysmart/olderadult.html?source=govdelivery&utm_medium=email&utm_source=govdelivery

Federal Trade Commission

The Federal Trade Commission is the nation's consumer protection agency. The FTC's Bureau of Consumer Protection works for the consumer to prevent fraud, deception, and unfair business practices in the marketplace. In addition, the website offers resources relating to how to protect personal information and how to respond to identity theft.

<http://ftc.gov/bcp/index.shtml>

State of Oregon

Department of Human Services, Aging and People with Disabilities

Information about elder abuse and what to do if you believe you or someone is being abused or neglected.

<http://cms.oregon.gov/dhs/spwpd/pages/abuse/index.aspx>

Area Agencies on Aging and Seniors & People with Disabilities Services - Local Offices

<http://cms.oregon.gov/dhs/spwpd/pages/offices.aspx>

Department of Justice, Consumer Protection

A resource for elder Oregonians and their family members to get help for a number of common concerns.

http://www.doj.state.or.us/consumer/pages/elder_care.aspx

Division of Finance and Corporate Securities

Provides Oregonians with information about financial services including, but not limited to, investments (securities), loans, credit, and the prevention of financial scams and identity theft.

http://www.cbs.state.or.us/external/dfcs/consumer_info.html