

**SONOMA COUNTY'S UTILIZATION OF COMMUNITY PARTNERSHIPS TO  
IMPLEMENT A PROGRAM OF PREVENTION OF FINANCIAL ABUSE  
OF THE ELDERLY**

**Deborah Goldstein\***

**EXECUTIVE SUMMARY**

**INTRODUCTION**

With a disproportionate amount of the nation's wealth in the hands of elderly adults in our society, financial abuse of this vulnerable group is a fast-growing and alarming concern. Statistics indicate that although documented, substantiated reports of financial abuse are rising; we may only be seeing the tip of the iceberg. Many victims fail to report to law enforcement because they don't perceive financial abuse as criminal. Elders often feel "tricked" or "scammed" but fail to understand that they are victims of a crime. In addition, they may feel embarrassed about having been taken advantage of and fearful about what an investigation might uncover. Since financial abuse frequently co-occurs with physical and/or emotional abuse, assault, neglect, abduction, false imprisonment, etc., the issues are further compounded.

Another challenge to the prevention of financial abuse is jurisdiction. It is often unclear as to where the jurisdiction lies because the illegal activities may cross county, state and even federal boundaries. Depending on the crime investigations may be handled by police, Medicaid fraud units, the FBI or the Secret Service. For instance, crimes are federal if they involve the use of the mail, the telephone, interstate transfers, or misappropriation of federal benefits. Examples include telemarketing fraud, pension fraud, crimes involving credit cards

or the internet, and theft of Social Security or SSI checks.

Like most other counties throughout California, Sonoma County lacks adequate resources for handling these complex financial crimes. Probably the greatest asset the APS program has is the outstanding dedication and tenacity of the community partners. This proactive, committed group of public servants and private individuals provide hands-on service to at-risk elders via programs, which include public education and community outreach, watchdog activities around prosecution of suspects, and reporting outcomes back to the community. The concept of collaboration and its implementation is vital to the program of prevention.

**RECOMMENDATIONS FOR SAN FRANCISCO**

Many financial scams target elders of specific cultural groups, creating additional obstacles to services. San Francisco has a diverse ethnic population and language barriers, fear of the criminal justice system, and fear of deportation by undocumented immigrants discourage many victims from seeking help. In addition, there are broad variations in how members of different cultural groups perceive financial crime and abuse, creating additional challenges to victim advocates.

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\*Deborah Goldstein is a Child Welfare Supervisor in the Family & Children's Division of the City and County of San Francisco Department of Human Services.

A variety of services are needed to prevent financial abuse and to help victims recover from their emotional, financial and physical trauma. Mental health services are key to addressing the emotional impact on victims. Legal assistance is needed to recover/protect assets. Sometimes there is a need for assistance in finding new housing as a result of home foreclosure or eviction. Victims may need help in finding attendants to replace abusive individuals who have been perpetrators. All of these services are in short supply and current budget crises make it unlikely that new resources or services will be forthcoming any time soon. Therefore, the community partnerships and collaborations are the most important asset that we can count on at this time.

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## **INTRODUCTION**

Sonoma County in Northern California is home to 450,000 people with 250,000 living in the city of Santa Rosa. Older adults make up 17% of the population. Since the 1970's rural Sonoma County became home to retirees, many of whom live in isolated areas and in mobile home parks. Many of these elderly and dependent adults receive in-home support services (IHSS); in fact, IHSS is the largest program under Sonoma County's Human Services Department with 2,800 clients. Half of those individuals are elders, half are disabled, dependent adults and perhaps 100 or so are children. Other Human Services Department programs include Adult Protective Services (APS), Area Agency on Aging (AAA), Multipurpose Senior Services Program (MSSP) and Veterans Services.

Adult Protective Services provides crisis intervention and case management services to elders and dependent adults on a voluntary basis. The program received approximately 1,600 referrals in the 2001-2002 fiscal year through their 24 hour per day/7 day per week hotline, which is based on the Child Protective Services model. About 90% of the referrals were assigned for investigation, either for immediate emergency response or 10-day response. Cases are assigned to social workers geographically with the average caseload size being 20-25 cases per worker. Workers receive, on average, about 15 new cases per month, which usually remain active for about three months. The program comprises two units totaling 12 social workers, a mental health

liaison and a public health nurse. Referrals typically include allegations of physical, sexual or emotional abuse, abandonment and neglect, abduction and coercion, isolation and financial abuse.

## **BACKGROUND**

Financial abuse includes identity theft, forgery, credit card fraud, mail theft, etc. These crimes span the continuum from telemarketing scams to confidence crimes to illegal transfers of property to misuse of powers of attorney. Although these crimes are perpetrated against members of all age groups, the impact of financial abuse is particularly great on the elderly since they are usually unable to replace the loss through saving or work. Elder and dependent adults are often unable to protect themselves against these crimes.

Historically, financial abuse was seen as a non-violent crime with little attention paid to the victim, who suffered not only financial loss, but also feelings of vulnerability, depression, hopelessness and even suicide. Law enforcement viewed these crimes as civil matters even when criminal behavior was involved. Perpetrators may include family members, predatory individuals and unscrupulous businesses.

Since older Americans hold a disproportionately high percentage of the nation's wealth, they are a particularly attractive target; they often are isolated, live alone and may have varying degrees of physical and cognitive impairment. These people need to

rely on others for a multitude of assistance and services. In addition, many of these victims fail to report crimes because they fear that disclosing their failing abilities to maintain their own financial matters could result in nursing home placement or guardianship. To promote the protection of elders from financial abuse, Sonoma County created the Financial Abuse Specialist Team (FAST) in May 2001.

### IMPLEMENTATION

FAST works in collaboration with APS and several other public agencies including the Sonoma County Sheriff's Department, the District Attorney's Office, the Santa Rosa Police Department, Senior Advocate Services, the Council on Aging, the Public Guardian's Office and County Counsel. FAST meets on a regular basis to consult on cases of financial abuse. The purpose of these consultations is to coordinate and facilitate the implementation of services to victims of financial abuse. The services include prosecution of abusers. In addition, Sonoma County has forged relationships with various agencies in the private sector to assist in identifying financial abuse. Banks and other financial institutions, securities brokers, real estate brokers, insurance companies, title companies, certified public accountants and other individuals that come into contact with elders with regard to financial matters contribute to this partnership.

### THE PARTNERS

- **The Elder Abuse Prevention Council (EAPC)** — This group of volunteers includes attorneys, business professionals, interested seniors and other community members. None of these people are paid staff. They provide community outreach and education. The EAPC publishes literature about elder abuse and pre-

vention, provides training to the public on mandated reporting and assists in identifying victims and developing individualized service plans. They advocate for the prosecution of perpetrators of elder abuse and follow up by attending court trials and sentencing hearings.

- **Law Enforcement** – The Sonoma County Sheriff's Department and the Santa Rosa Police Department are represented by two detectives, both of whom participate on the FAST team. These two key players attend the FAST and EAPC meetings to provide the law enforcement component for the teams. Due to current budget shortages, APS is no longer able to fund the position they used to have in the Office of the Public Guardian. Because of this loss, it is much more difficult to get a representative from that agency to work with APS on a regular basis.

More recently APS has utilized the services of the Santa Rosa police in place of the District Attorney's office with the police department having the authority to freeze assets without the intervention of the Public Guardian's Office.

- **Mental Health** – The County has one individual from the Department of Mental Health who serves as a liaison to APS. This individual is available to go out on investigations and assessments with APS social workers and to make evaluations and recommendations. Such recommendations can include conservatorship and the determination of mental capacity (the collection of mental skills required to perform everyday tasks including memory, reason, ability to calculate, ability to modulate emotions, etc.) and other mental health services.
- **Public Health** – A public health nurse is also available to accompany APS staff on investigations in order to identify medical issues and needs and to develop a service plan to meet those needs.

## IMPEDIMENTS

Like most other programs, APS lacks adequate resources for handling these complex financial crimes. Police and prosecutors divide their time between other types of elder abuse, domestic violence, general fraud and theft and child abuse. Additionally, there are little or no resources to obtain expert witnesses whose testimony is critical in the prosecution of cases of financial abuse and the protection of the victim.

Financial crimes are labor intensive to investigate and prosecute, often involving multiple victims, multiple charges and multiple jurisdictions. Victims' assets may still be in jeopardy during lengthy investigations because of the inability to immediately freeze assets or to obtain appropriate restraining orders.

There is a severe shortage of attorneys willing to handle cases of financial abuse since perpetrators are often without assets to pay restitution and/or attorney fees. In Sonoma County there are few private attorneys to provide pro bono services.

## RECOMMENDATIONS

The City and County of San Francisco, with a population of 730,000 (elders comprise 16%), operates APS and a FAST teams in a similar fashion to Sonoma County. Since 2001 San Francisco APS operates under a new city department, Adult and Aging Services, rather than as a division of the Department of Human Services. Like Sonoma County, San Francisco has formed partnerships with other community agencies, both public and private, to provide protection and prevention of financial abuse of the elderly. Approximately 40% of APS hotline reports include allegations of financial

abuse. Regular, ongoing meetings occur with APS, Department of Mental Health, the Public Guardian Office, Goldman Institute on Aging and Laguna Honda Hospital coming to the table to collaborate and consult. Some recommendations to improve the program of prevention of financial abuse include:

- Promoting the development of criminal statutes to facilitate prosecution of financial crimes against the elderly, recover and preserve assets, and enable law enforcement to more easily access financial records from financial institutions.
- Promoting the development of civil statutes to create incentives for civil attorneys to take on cases of financial abuse by ensuring adequate legal fees, redefine "mental capacity" in functional terms, expand the range of protective interventions to include "limited guardianships" and "temporary guardianships," and develop guardianship monitoring systems.
- Promoting preventative measures to reduce the risk of financial abuse and reduce loss by requiring in-home care providers to be licensed, providing financial institutions with the authority to report abuse and hold customers' funds when abuse is suspected (with a strict criteria for determining if/when such action is appropriate), and ensuring greater accountability for powers of attorney.
- Promoting procedural changes to include the development of specially trained units in the District Attorney's Office to work with elderly victims of financial abuse; specialized units within the police department to handle financial crimes against the elderly; and services, funds and policies to address emotional, social service and financial needs including mental health treatment, pro bono legal assistance and private investigators, shelter/housing, emergency funds, credit counseling and assistance with business matters.

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