

Elder Financial Exploitation

San Francisco, Live Webcast and www.pli.edu,* June 27, 2019

Why You Should Attend

Financial exploitation is a growing issue faced by older adults, and the effects of financial exploitation can negatively impact the physical health, mental well-being, and financial stability of victims. While acts of elder abuse may fall under various criminal statutes, civil attorneys are uniquely positioned to deploy legal strategies and advocacy to mitigate the effects of abuse and help older adults attain the remedies they seek.

This training will provide information and resources to help attorneys as they represent clients who may have experienced financial exploitation. This training is being produced in collaboration with Justice in Aging, with informational resources from the National Center on Law and Elder Rights (NCLER).

What You Will Learn

- Scope of financial exploitation and who is affected
- How to identify and strategies to help clients prevent financial exploitation
- Interviewing strategies when screening for and learning about financial exploitation
- Introduction to undue influence screening tool
- Capacity concerns and ethical considerations when counseling older adult clients
- Understanding the concept of trauma-informed lawyering
- Basics of California's mandated reporter policy
- How to navigate civil restitution for clients
- How to spot and protect clients from major fraud and scams

Who Should Attend

Practitioners who work with older adults and caregivers and are seeking a better understanding of the warning signs of financial exploitation, ideas to help clients prevent financial exploitation, and potential remedies when a client is a victim of financial exploitation. The training will provide helpful information for practitioners who are new to aging and elder law issues, as well as practitioners with elder

law experience who are looking to deepen their understanding of financial elder abuse remedies.

AGENDA

9:00

Opening Remarks

Fay Gordon

9:15

Financial Exploitation: Introduction, Strategies for Prevention and Understanding Undue Influence

In California, hundreds of thousands of older adults experience abuse each year. Financial exploitation has many faces, including theft, ID theft, theft of public benefits, unauthorized use of credit cards, undue influence, deceptive and unfair business practices, and abusive debt collection practices. Financial exploitation is enormously costly to victims' health and economic security. This session will define financial exploitation, categories of financial exploitation, and warning signs lawyers and professionals working with older adults should be aware of to help prevent exploitation in clients.

The session will also explore undue influence. Undue influence is a psychological process that may be used against an older person as a means of committing two forms of elder abuse: financial exploitation or sexual abuse. Undue influence is also a legal concept. Case law and statutes recognize that undue influence can undermine an individual's self-determination. Lawyers can make a significant difference to clients who are vulnerable to or who may be experiencing undue influence by recognizing it, mitigating it, and remedying it. This session will explore the concept of undue influence and highlight a screening tool developed for California's Adult Protective Services (APS) staff that may be useful for lawyers working with older adults.

Mary Joy Quinn, Shawna Reeves

10:15 Networking Break

10:30

Trauma-Informed Legal Advocacy, Reporting, and Civil Legal Strategies for Redress

Older adults who have experienced exploitation are at risk of further harm if their legal matter is not handled in a trauma-informed manner

by their advocate. This session will provide an overview on how to provide trauma-informed lawyering, which will help to your client in their recovery process and also allow you to get more thorough information from your client in order to effectively represent them. The session will also discuss the legal and ethical decisions facing lawyers about when and how to report suspected elder abuse. In making these decisions, lawyers must balance the ethical need to honor their client's autonomy, with potential legal requirements to intervene. An understanding of mandatory and permissive reporting laws is essential for lawyers working in this field.

When an individual has experienced exploitation, lawyers assisting older adults should be aware of the possibilities of getting restitution and how to go about obtaining it. This session will also explore the California Advocates for Nursing Home Reform Restitution Guide. Using the guide, the session will provide an overview of the state's criminal and civil laws and resources that can be used to mitigate the devastating effect that financial abuse has on the older adult.

Prescott Cole, Vivianne Mbaku

11:30

Financial Scams, Fraud, and Identity Theft issues

While most of this training will focus on financial exploitation perpetrated by "known persons," the final session will explore financial exploitation by strangers and businesses. According to a recent Consumer Financial Protection Bureau Report, reports of financial exploitation against older adults quadrupled from 2013 to 2017. This session will provide an overview of recent scams, and how lawyers can play a role in preventing and protecting clients.

Dani Kaiserman

12:30 Adjourn

Faculty:

Chair:

Fay Gordon

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