

**How Non-profits Can Help  
Protect Older Adults From  
Ruinous  
Financial Exploitation  
And  
Scams**



Wisconsin Aging and Health Groups

Financial Empowerment ■ Personal Advocacy ■ Victim Rights

A photograph of a classical building facade featuring a prominent statue of Lady Justice. The statue is a female figure, blindfolded and holding a pair of scales, symbolizing justice. She is positioned on a high ledge. To her left, another figure is partially visible, possibly representing Liberty or another allegorical figure. The background is a clear blue sky with some light clouds. The overall scene is a low-angle shot looking up at the building's architecture.

# ACKNOWLEDGMENT

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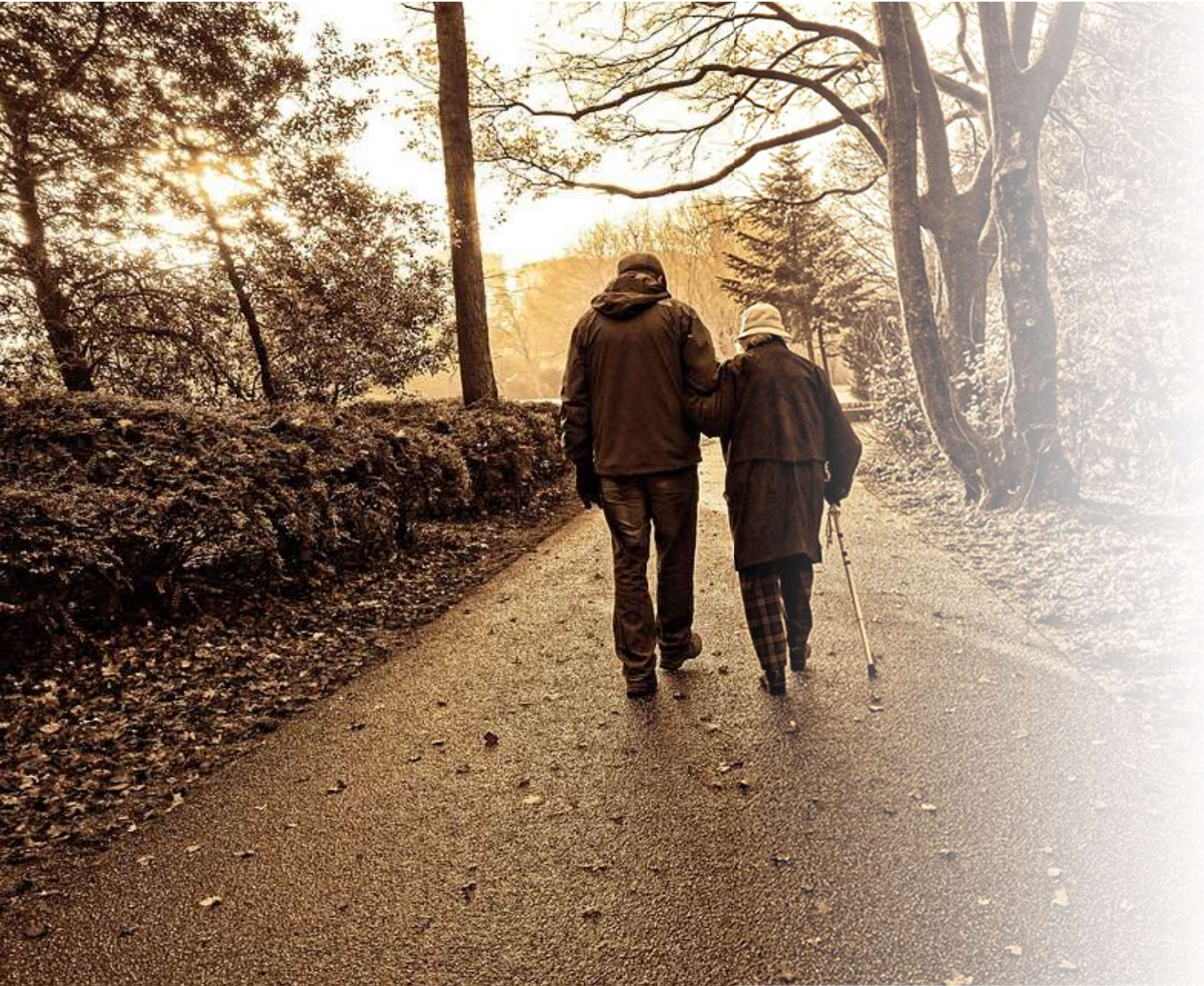
# Growing Need For Services

In Wisconsin, 25.9% of our state residents are over the age of 60 and in some counties, the percentage over the age of 65 exceeds 30% of their total population.

In Vilas County, 33.7% of its residents are over the age of 65.







## **Increasing Number At Risk**

Wis. Stat. 46.90 (br) defines “elder adult at risk” as any person aged 60 or older who has experienced, is currently experiencing, or is at risk of experiencing abuse, neglect, self-neglect, or financial exploitation.

# The National Center On Elder Abuse Defines Abuse As:

<b>Physical Abuse</b>	Inflicting, or threatening to inflict, physical pain or injury on a vulnerable elder, or depriving them of a basic need. Legal Basics: Signs of Abuse, Neglect, and Exploitation 2
<b>Emotional Abuse</b>	Inflicting mental pain, anguish, or distress on an elder person through verbal or nonverbal acts.
<b>Sexual Abuse</b>	Non-consensual sexual contact of any kind, or coercing an elder to witness sexual behaviors.
<b>Exploitation</b>	Illegal taking, misuse, or concealment of funds, property, or assets of a vulnerable elder.
<b>Neglect</b>	Refusal or failure by those responsible to provide food, shelter, health care, or protection for a vulnerable elder.
<b>Abandonment</b>	The desertion of a vulnerable elder by anyone who has assumed the responsibility of care or custody of that person. <sup>2</sup>





When more than one type of abuse is occurring.

## **Polyvictimization**

For example, a family member physically abuses an older adult when he refuses to cooperate with a demand for money.









## **Contributing Factors**

**Perpetrated usually by family member  
or caregiver**

**Victim tends to be older**

**More physically and financially  
dependent**

**More impaired**


**More isolated**

**Poorer health**

**Often lives with perpetrator; perceives  
perpetrator as being supportive**

**Perpetrator often unemployed and/or  
financially dependent on victim**





The fraudulent or otherwise illegal, unauthorized, or improper act or process of an individual, including a caregiver or fiduciary, that uses the resources of an older individual for monetary or personal benefit, profit or gain, or that results in depriving an older individual of rightful access to, or use of, benefits, resources belongings, or assets.

As defined by the Older Americans Act

# Financial Abuse/Exploitation



A 3D rendered scene on a black background. On the left, a white, stylized human figure stands with its arms slightly outstretched. To the right, a large, glossy red question mark is positioned. In the center, the word "Access" is written in a bold, white, serif font.

# Access

How Do Victims Find Help



# Who Do They Call First



## **Law Enforcement**

- Often told financial exploitation is not a crime
- Won't take a report
- Tell Victims it is a Civil matter and that they need to call an attorney

## **Private Attorney**

- Often struggle to find the right attorney to call
  - Do they need a probate attorney, real estate, bankruptcy or elder law
- Sticker Shock
  - Private party attorney's charging \$300, \$400 or \$500 per hour
  - \$5-10,000 retainers





# Access to Legal Services

In 2022, 5.9 million or 10.2% of people aged 65 and older lived in poverty

A growing number of older adults are cash poor but asset “rich” with retirement accounts and home equity.

Modest Means Program by the WI State Bar is designed to assist people whose income is too high to qualify for free legal services, but too low to pay a lawyer’s standard rate.

Single person with annual income of just \$36,450 may not qualify even if an attorney willing to accept the State Bar’s terms can be found.

Lack of language: How do you search for help for a problem you can't articulate?

- Inappropriate, inaccurate google search results

Personal efforts to address problems that increases chances of revictimization

- Google searches that lead to subprime lenders and payday loans
- Scam debt consolidations
- Scam mortgage modifications

Reliance on advice from “helping” but untrained service providers such as bank tellers, librarians, etc.

Reliance on facebook influencers and “experts”

## How Do You Find What You Don't Know You Need?

The Google logo is displayed in its characteristic multi-colored font (blue, red, yellow, blue, green, red) on a white background. It is positioned above a search bar and two buttons.

Google Search

I'm Feeling Lucky



# Victims Are More Likely Rely Upon Non-profit Organizations And Governmental Agencies

Ability to Access Online Tools	Lack of technology
	Lack of Computer Skills
	Lack of stable internet
Knowledge of and Access to Professional services	Less likely to have professional skills
	Less likely to have family with the ability or time to help
	Less likely to know professionals with necessary skills
	More reliant on referral services

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## **Increased Reliance On Non-legal Resources**

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Reliance on agencies such as ADRC/APS that have limited resources

Information received is only as good as the supplemental trainings of the person contacted

Instintial knowledge lost due to retirements

Outdated resource manuals that don't reflect staff changes and funding sources of other agencies



# Why Is There A Need For Non-profits?

May not trust government institutions

Affordability – victims often need services that the private sector provides at a high cost

- Attorneys who can advise to pros and cons of decision support documents or on how to include protections against abusive use of these tools
- Attorneys to file restraining orders to stop elder abuse including financial exploitation
- Attorneys to evict abuser that will not leave/or fight eviction brought by abuser
- Accountants to deal with tax issues from retirement distributions
- Mortgage Brokers
- Bankruptcy Attorneys
- Probate Attorneys
- Guardianships



# Lack of Resources and Assistance Makes Things Worse

- Most disadvantaged older adults living at or below federal poverty level are significantly more likely to suffer out of pocket costs
- Length of time information was misused experiencing subsequent financial problems with friends and family and hours spent resolving ID theft were associated with emotional distress
- Older adults often need more resources to assist with recovery and reporting to ID theft to law enforcement
  - Limiting extent of losses and length of ID use may reduce emotional toll on older adults



# More Likely To Use Informal Supports



Joint bank accounts



Quit claim deeds and co-habitation




Other joint ownerships



New neighbor and care givers given use of debit cards and credit cards



Personal loans



A single episode of victimization can “**tip over**” an otherwise productive, self-sufficient older person's life.

In other words, because older victims usually have **fewer support systems and reserves**—physical, psychological, and economic—the impact of abuse and neglect is magnified, and a single incident of mistreatment is more likely to **trigger a downward spiral** leading to loss of independence, serious complicating illness, and even death.

**Why  
it  
Matters**



    **Financial Harms**    

**Damage to credit**

**Loss of personal funds, property, housing, and other valued assets**

**Lack time and/or employment to rebuild assets**

**Increased likelihood of going on Medicaid as a direct result of abuse**

**New reliance on others for financial support making more vulnerable to abuse**





# Psychological Consequences

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Depression

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Anxiety

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Distress

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Fear of retaliation

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Fear of losing independence and living in a nursing home

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Loneliness

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Loss of self-esteem and dignity due to feelings of shame and embarrassment

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Sense of hopelessness, powerlessness and self-blame

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Difficulties in decision making (self-doubt, not trust own judgment)





# Physical Harms

(Harms not as a result of physical or sexual abuse)

Emotional effects, including stress and trauma along with preexisting health problems, can result in an overall decline in physical health including:

increased  
bone or  
joint  
problems

digestive  
problems

chronic  
pain

high blood  
pressure

heart  
problems

# Quality Of Life Harms

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Loss of confidence and of trust

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Second guessing and self-doubt

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Loss of independence or greater reliance on others

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Revictimization

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Twice as likely to be hospitalized and four times as likely to go into nursing homes

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More chronic diseases and access the health care system at higher rates







**How Can Services Be Provided To Increase  
Access And Achieve Better Outcomes**

# WHAT WE CAN DO AS SERVICE PROVIDERS



Increased awareness by service providers of resources available



Mutual Referrals with ADRC/APS



Mutual referrals from other professionals



Cross training among professional service providers

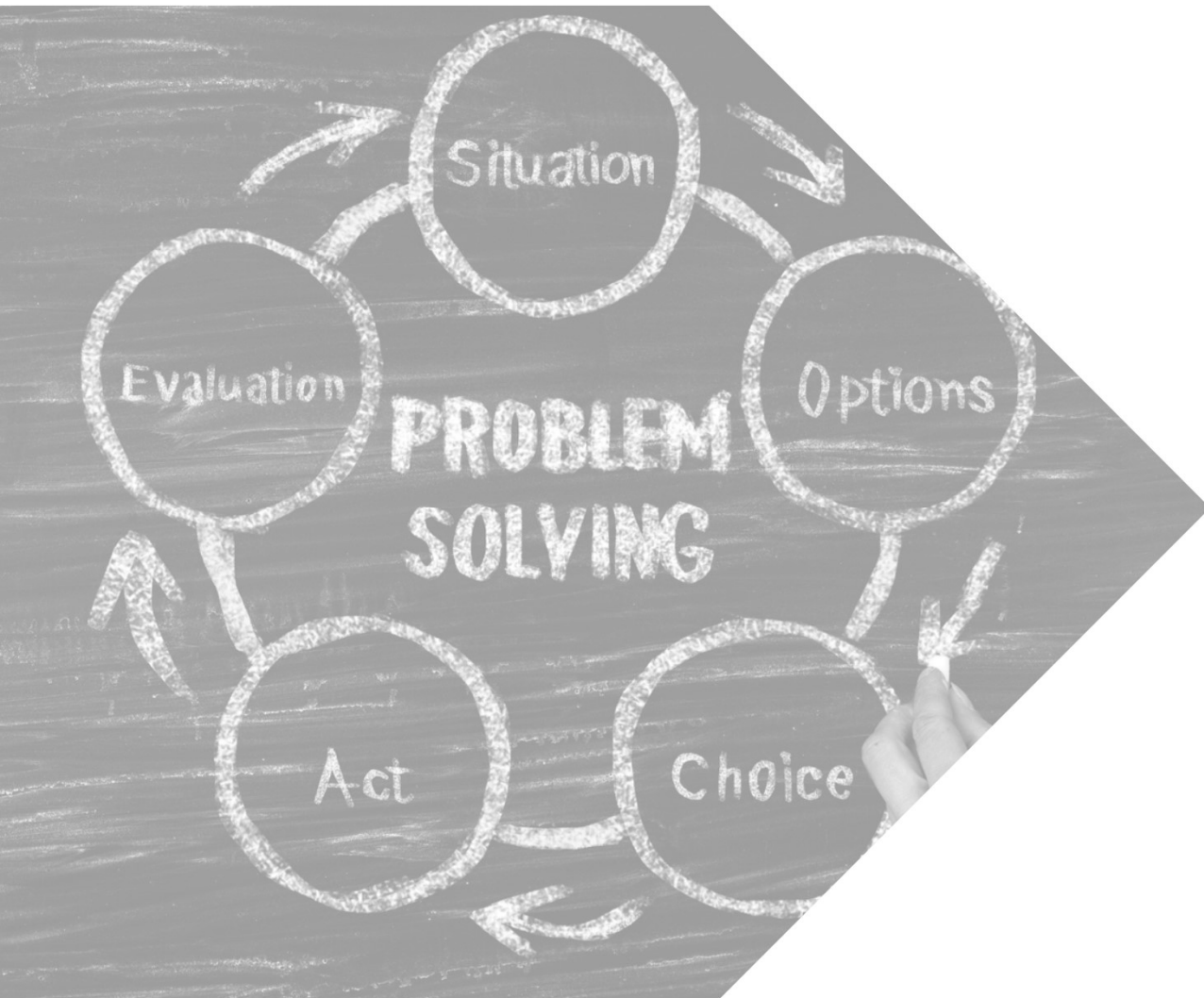


Service provider collaboration assisting victims



Community education through outreach





## **When Criminal Or Civil Litigation Responses Aren't Available:**

- Family and Community Response
- Social Services interventions
- Adult Protective Services
- Multidisciplinary Responses



## **Family & Community Responses**

- Majority of caregivers are family and friends
- Trusted family and friends can open doors to help
- Help from family and community to help fill the gaps in government benefits
- Housing
- Furniture
- Nutrition
- Personal care, maintenance, and transportation
- Companionship & social connections



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Assessment of the person and circumstances

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Coordinating safety needs

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Coordinating services

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Coordinating material supports

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Emotional Supports

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Long Term Care Ombudsmen



**Social  
Services  
Interventions**

# APS/Adult Protective Services

APS is designed to **protect** victim safety rather than punish perpetrators.

The **primary** APS investigative goal is to determine if reported allegations of abuse, neglect or exploitation (ANE) are valid.

Determine unmet **needs** for care, assistance, and protective and other services

Immediate **intervention** is offered if imminent threat to victim safety is discovered.

**Those who have capacity retain the right to refuse any proposed service, treatment, or intervention**

In many cases **collateral professionals and/or significant others** are needed to provide victim assistance and services.



# How Non-Profits Can Work Together and With Other Service Providers



**CONSULTATION**



**MEET**



**CASE ASSESSMENT**



**REPRESENTATION**



**REFERRALS**



**COLLABORATION**

# WHAT WE DO AS A NON-PROFIT



**Consultations**



**Stabilization**



**Legal Services**



**Revictimization prevention**



**Outreach to all corners of the state, rural, urban, and tribal**



# Revictimization Prevention

1

## Assess Vulnerabilities

- How were they targeted
- Potential for revictimization
- Education

2

## Address the vulnerability

- Can we provide a service?
- If not, who can?

3

## Make a referral

# Education And Training Can Alleviate Service Shortages

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Victim Service Providers of financial crimes are searching for new grant sources as their VOCA grants were cut by over 50%

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In the near term, legal services to older adults will be impacted as positions are cut, services reduced, and service area reconsidered

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Greater need to prevent exploitation as these resources become scarce

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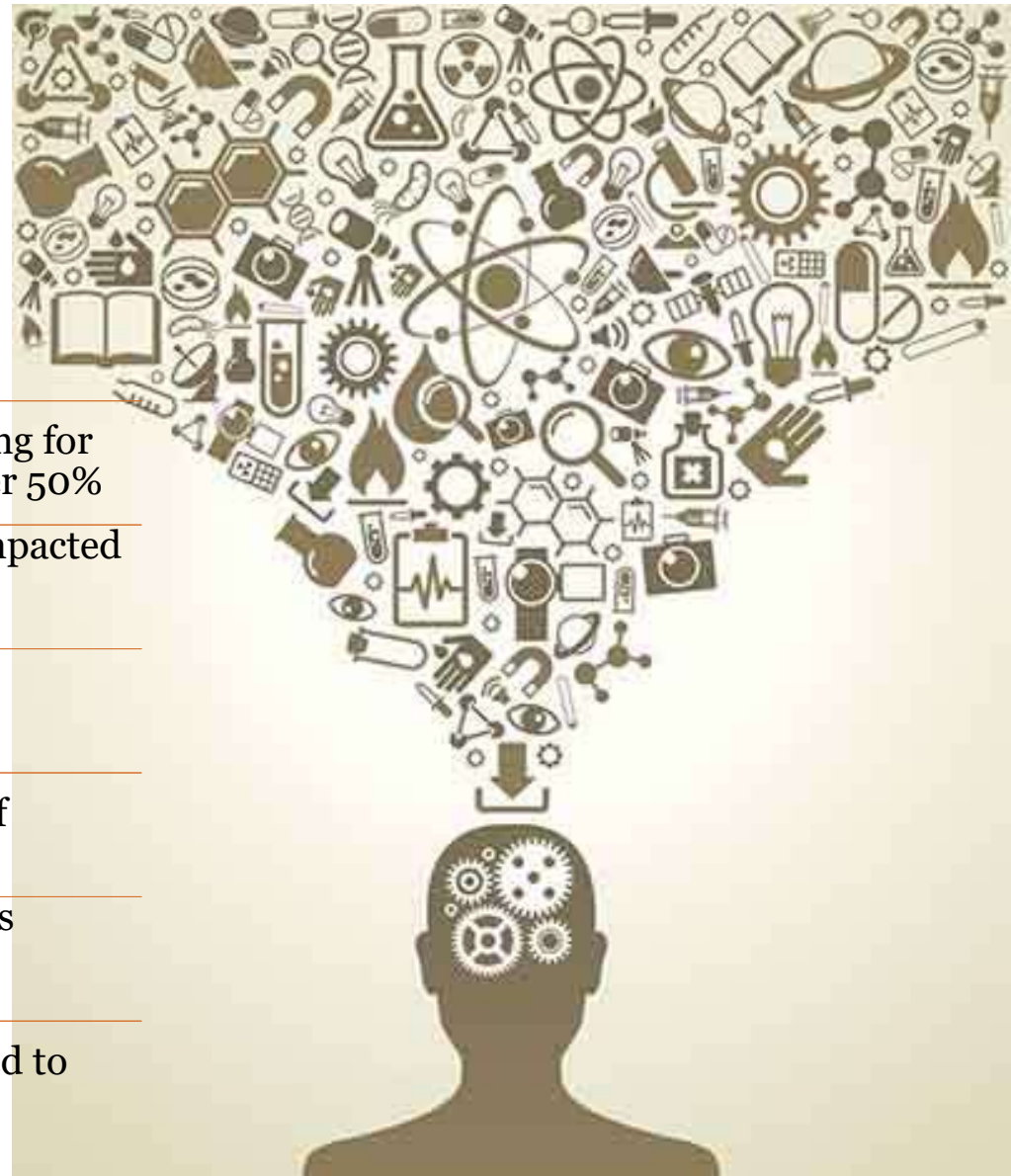
Greater collaboration necessary to reduce duplication of services

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Streamlining of referrals to reduce time spent on intakes requires knowledge of other service providers and relationships with

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Points of first contact for seniors need to be cross trained to spot red flags and make “warm” referrals





## **Multidisciplinary Teams**

- Seldom a single approach – it takes a village
- Bring together APS, Police, Prosecutors, Emergency Services, Social Services, Health Care, Legal Services
- Goals
- Multi-faceted understanding and investigation
- Coordinate programs and services
- Leveraging the strengths of all



# Outreach

A background image showing the silhouettes of several people climbing a mountain. One person is at the top, reaching down to help another person who is climbing. A third person is further up, also reaching down. The scene is set against a light, hazy sky, suggesting a sunrise or sunset. The overall tone is one of assistance and support.

## Presentations

1. Scams: Are You Prepared?
2. Surviving A Scam
3. They Were Supposed To Manage Your Money Not Take It
4. Don't Let Them Take What Is Yours
5. Financial Exploitation: It's A Crime
6. Decisional Capabilities
7. Working Better Together
8. Elder Financial Empowerment Project: Overview
9. Financial Powers Of Attorney: What You Need To Know
10. How To Spot And Prevent Financial Exploitation Of Our Older Adults

## Print Materials

1. Newsletters
2. Brochures and Rack Cards
3. Handouts
  - Our Presentations
  - FTC
  - CFPB

A person stands on a beach at sunset, their silhouette reflected in the calm water. The sky is a mix of dark blues and oranges, with the sun low on the horizon. The text is overlaid in the center.

**Don't Lose Sight Of The Fact  
That We Are Assisting  
Victims**

# Barriers to Seeking Help: Obstacles and Fears

Loss of independence

Reliance on others

Physical limitations

Cognitive impairments

Loss of loved ones

Loss of identity/sense of purpose

Loss of financial security





# Social Determinants

Effects of social determinants accumulate and intermingle as we age affecting how we respond to trauma and overcome adversity.

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Poverty

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Discrimination

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Social exclusion

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Past Trauma

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Where We Work

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Where We Live





## GENERAL CRIME IMPACT WHEEL

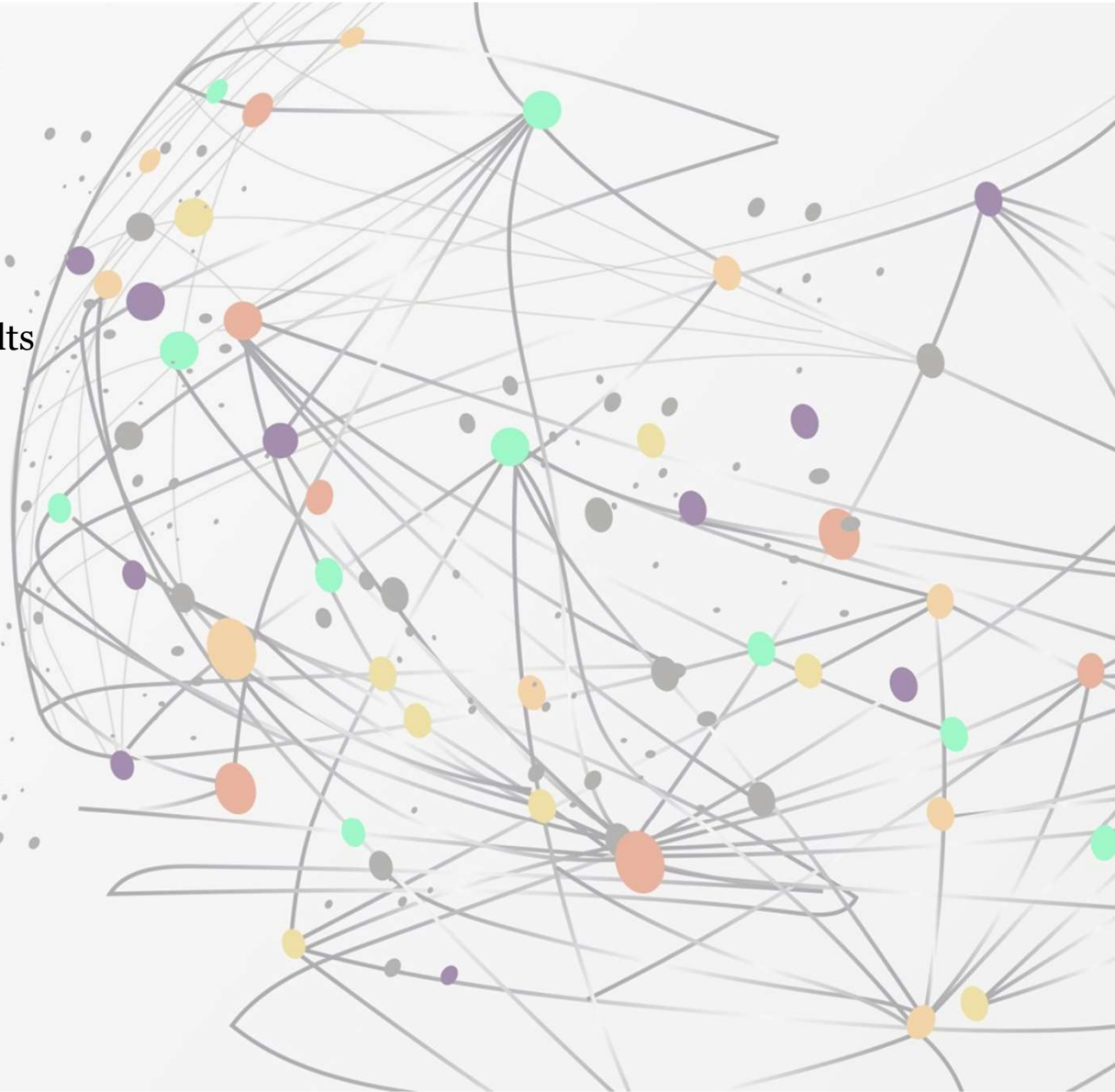
- Societal context
- Core influencing factors
- Cultural context
- Individual impact

Inspired by "Impact Wheel" by Laura Williams, from MNCASA's *Sexual Violence in Minnesota: A Resource Manual for Advocates*, originally published in 2007, adapted by MN Alliance on Crime, 2018

# Decisional Capability instead of Capacity

(NCLER: Closing the Justice Gap for Older Adults  
Part Two: Representing Clients with a Range of  
Decisional Capabilities)

Capacity implies a  
maximum or minimum  
level that is frozen in  
time: capacity or  
incapacity without any  
context





# Decisional Capability is the quality of being capable and able to do something



Implies potential that can be developed and improved under the right conditions with the right supports

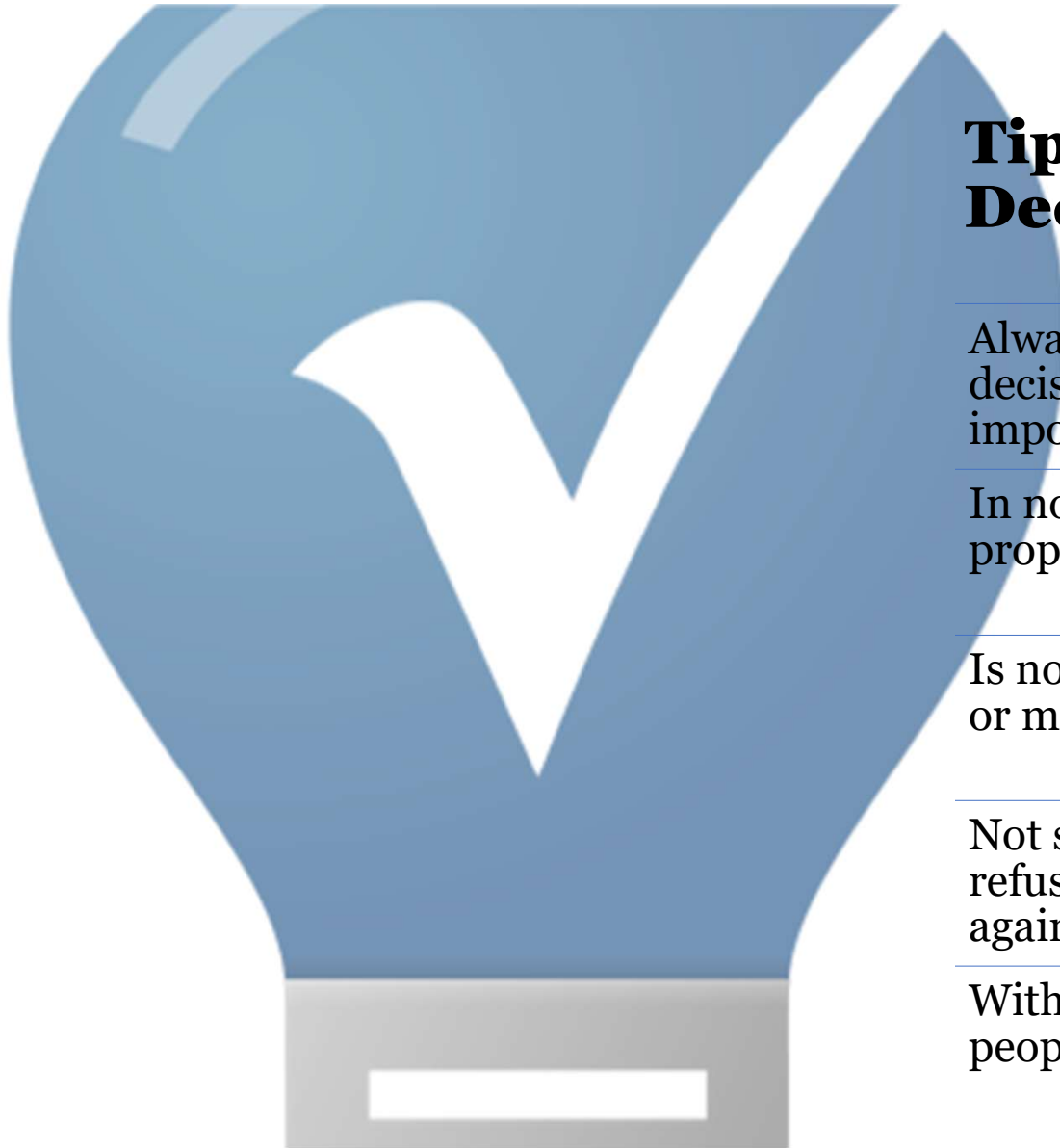
Context matter.  
The ability to do something specific or to decide regarding what exactly matters.

to manage money,  
make a medical decision  
choose a visitor  
execute POA or will  
Smoke  
sell property, etc.

Not an all or nothing proposition

Can vary from day to day or even hour to hour

Can be affected by illness, medications, stress, sleep deprivation, dehydration substance abuse, etc.



## **Tips for understanding Decisional Capability**

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Always presume older adult has decisional capability and can make important decisions

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Is not on/off all or nothing proposition

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Is not synonymous with memory loss or medical diagnosis

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Not synonymous with bad decisions, refusal to follow advice or acting against one's own best interest

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With or without cognitive impairment, people make bad decisions all the time



## Undue Influence Wheel Common Tactics





# Self-Determination

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**Respect** the integrity and authority of victims to make their own life choices

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Victim's have the right to decide what **recovery** means to them – what **assistance** they want, what **actions** to be taken

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Hold **perpetrators**, not victims, **accountable** for the abuse

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Take into consideration what **safety & quality of life** means to victims

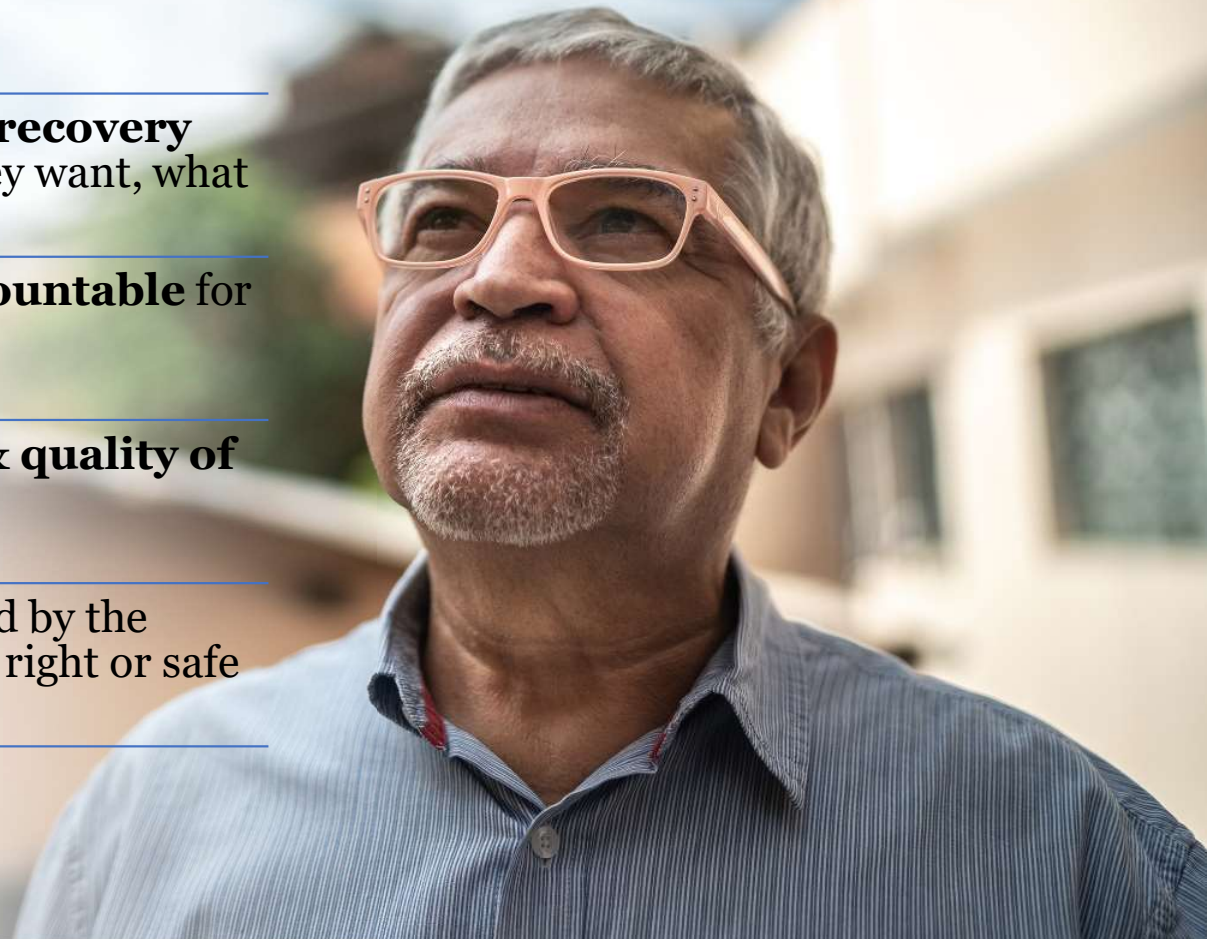
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**Redefine success**—success is defined by the victim; not what professionals think is right or safe

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Exercise **cultural humility**

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# Just World Theory

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Individuals need to believe that the world is just and that most people get what they deserve to protect the idea that bad things will not happen to them.

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Victim blaming emerges as an illusion of safety for non-victims.

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It can work to justify a lack of empathy, resources, time, or attention that would otherwise be provided.



**QUESTIONS?**

**Elder  
Financial  
Empowerment  
Project**



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# **ELDER FINANCIAL EMPOWERMENT PROJECT**

The Elder Financial Empowerment Project provides legal services and advocacy statewide to victims at least 60 years of age who have been financially exploited, abused by a fiduciary, scammed, or had their identity stolen.

We can disrupt the predators financially exploiting our most vulnerable community members by working better to leverage the expertise of each agency so that we can focus on what we each do best. Maximizing the use of multiple disciplines allows us to serve our community more effectively and efficiently. This can result in not only better outcomes for our victims but also in a greater number of victims being served.



# Resources

Federal Trade Commission – IdentityTheft.gov, to report identity theft and get a personal recovery plan  
FINRA and NCVC, An Advocate’s Guide to assisting Victims of Financial Fraud, [https://victimsofcrime.org › taking-action](https://victimsofcrime.org/taking-action)

FINRA and NCVC, Taking Action: Identity Theft Victim Recovery Checklist, <https://victimsofcrime.org/wp-content/uploads/2020/08/FINRA-Taking-Action-Checklist-combined.pdf>

CWAG, Action Plan for Victims of Identity Theft, [cwag.org](http://cwag.org)

CFPB, Consumer Financial Protection Bureau, Money Smart for Older Adults Resource Guide, <https://www.fdic.gov/resources/consumers/money-smart/teach-money-smart/money-smart-for-older-adults.html>

National Clearinghouse on Abuse in Later Life, <https://www.ncall.us>

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