

Preventing elder financial abuse:

Guide for family and friends of
people living in nursing homes and
assisted living communities

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Introduction

This guide will walk you through four key steps to help protect your friends and family members from financial abuse.

It is important to watch out for signs of financial abuse and take steps to help your loved one if needed.

Four key steps of successful intervention

- **Prevent** - educate yourself, your loved ones, and your community
- **Recognize** - spot the warning signs and take action
- **Record** - document what you observe
- **Report** - tell the appropriate authorities so they can investigate and help

Alma's story



Throughout this guide, we will use a scenario where you have concerns about a family member or friend named Alma who lives in a nursing home or assisted living community. Imagine Alma is having some trouble keeping track of her money and recognizing when others try to take advantage of her. You may have concerns that someone will try to steal Alma's money or property. You want to find ways to help Alma.

What is elder financial abuse?

Elder financial abuse—sometimes called elder financial exploitation—is a form of elder abuse.

Alma's story



Imagine that Alma's grandchild offers to run errands for Alma. The grandchild takes Alma's debit card and promises to pick up her favorite shampoo. Instead, the grandchild makes several purchases using Alma's debit card, including buying himself a new TV. This is an example of financial abuse.

Neighbors, caregivers, professionals, and even family or friends may try to take advantage of people as they age. They may take money without permission, fail to repay money they owe, charge too much for services, or not do what they were paid to do. These are examples of elder financial abuse.

Anyone of any age can experience financial abuse. However, some people may be at greater risk of becoming the target of financial crimes than others. As people age, they may become bigger targets for financial abuse because they have built up their savings and property during their lives.

People may also experience changes in their thinking processes that can make it harder to make financial decisions or to recognize scams. The percentages of people living in assisted living communities and nursing homes who have trouble with memory and thinking skills are much higher than in the general population. People experiencing these challenges are often more vulnerable to financial abuse. However, it is important not to assume all older adults experience these challenges.

As a family member, friend, or financial caregiver, you are in a unique position to help protect your loved one from financial abuse. This guide can help you prevent abuse or prepare you to step in if necessary.

Elder abuse, sometimes called “abuse, neglect and exploitation,” includes many types of mistreatment of older adults. The National Center on Elder Abuse describes seven types of elder abuse at ncea.acl.gov/Suspect-Abuse/Abuse-Types.aspx:

- Physical Abuse
- Sexual Abuse
- Emotional or Psychological Abuse
- Financial Abuse or Exploitation
- Neglect
- Abandonment
- Self-neglect

Laws about elder abuse vary from state to state. In many states, the person suspected of abusing the older adult, known as a perpetrator, must **intend** to take an action which causes **harm or a risk of harm** to an older adult. In some states, the perpetrator must be “in a position of trust” for their actions to qualify as elder financial abuse. This usually means they have a close relationship to the older person, or they are professionals with a legal or financial duty to the older person. Some examples of people who might be “in a position of trust” include a family member, romantic partner, caregiver, lawyer, or financial planner.

How might elder financial abuse happen?

Elder financial abuse is complex. Sometimes, the people taking advantage of older adults can be trusted people who are managing money for their parent, relative or friend. If individuals step in to manage an older person’s finances, some may try to take advantage by taking money or assets for themselves. Someone managing an older person’s money may fail to pay for their necessities such as food, clothing, shelter or health care, putting the older person at risk.

People who have a legal duty to manage someone else’s money include agents under a power of attorney, trustees, guardians and conservators, Social Security representative payees and Veterans Affairs (VA) fiduciaries. To learn more about these roles, visit consumerfinance.gov/msem. In other cases, the perpetrator may have no legal right to manage the older person’s money. Someone may take the older person’s property by pressuring them or lying to gain their trust.

Strangers or care team members, neighbors, or visitors can also be perpetrators. While most people in positions of trust are worthy of the confidence you place in them, you should act quickly if someone violates that trust.

Alma's story



Imagine Alma decides to name her niece as agent under a power of attorney to help pay her nursing home bills. Instead, the niece uses Alma's money to pay for her own rent and personal items. Alma's nursing home tells Alma they are going to ask her to move out because Alma's bills are not getting paid.

You hear about the situation and you contact Adult Protective Services and the local long-term care ombudsman. Law enforcement gets involved to investigate, stop the financial abuse, and charge Alma's niece with theft. Alma and her family work together to choose a trustworthy person to help manage Alma's money, and Alma is able to pay her bills and stay in her nursing home.

What are some possible consequences?

Elder financial abuse is a complex problem. When a person in an assisted living community or nursing home is the target of financial abuse, it affects the person, their family, and their community. In some cases, the person may lose their life savings or may have to move out because of nonpayment.

A financial abuse survivor loses more than dollars and property. Financial abuse can cause emotional harm, depression or anxiety, poor physical health, loss of independence, trouble making decisions, loneliness, and a shorter life expectancy. When financial abuse happens, there may also be other types of mistreatment, such as emotional abuse or neglect. And when other types of abuse happen, it is wise to also check for financial abuse.

When family members or friends are trying to take advantage of an older adult, there may be problems with these relationships. For example, family members may feel entitled to an older person's money or property even though they have no right to it. Perpetrators often use false friendliness or compassion to gain an older person's trust. Sometimes a financial abuse survivor may continue to depend on or protect the perpetrator. Relationships can be damaged when people disagree about what to do or how to help.

How to prevent elder financial abuse

Keeping in touch with your loved one is one of the best things you can do as a friend or family member to help prevent abuse. This can help you notice financial abuse and respond right away.

Staying involved can also prevent others from taking advantage of your loved one. If others are aware that your loved one has you looking out for them, they may be less likely to target them. It can be helpful to stop by and speak with both your loved one and their care team members on a regular basis, to show that you are involved. If you are not able to visit due to distance, a public health emergency, or other reasons, you could schedule a regular check-in call with care team members.

Use technology to stay connected and informed

You can use technology to stay connected with your loved one. You can stay engaged and chat with someone who lives far away by using text messaging, email, or a video call. You can keep in touch and share photos, videos, and information with each other using social media. People who cannot travel to a wedding or other family gathering may be able to watch a live stream of the event or send a virtual greeting card. If your loved one is not comfortable using a smart phone, tablet, or computer, you could ask the team members at their residence if they can set up a video call or help your loved one connect with you.

When using social media or live streaming applications, it is important to protect yourself. Check your privacy settings and make sure that any photos and information you and your loved one share stay private.

Using technology can also help you identify financial abuse, because keeping in touch gives your loved one the chance to talk to you about any problems they are having. In a video call, you can also observe their appearance and body language to see if anything seems wrong. Then, you can share your concerns with care team members or with the local authorities.

New online and mobile services may also be useful to help your loved one manage their finances. For example, your loved one may be able to set up automatic alerts for their bank account, so they get a notification for every transaction or whenever the account falls below a certain balance. Banks and credit unions offer services like automatic bill pay and direct deposit for checks. Some mobile apps can help remind your loved one or a caregiver when to pay the bills. Your loved one's bank or credit union can share more information with you about available online and mobile options.

Data privacy is a growing concern for many people. To learn what to do before sharing your financial information with a company or app, see CFPB's blog post at consumerfinance.gov/about-us/blog/what-to-consider-when-sharing-your-financial-data.

Work with the assisted living community or nursing home

Learning the policies and procedures in an assisted living community or nursing home can take a lot of time and effort, but the effort is well worth it. It is important to talk to care team members as soon as possible to get information about these key topics:

- Contact information for the staff person who you can call if there is a problem
- Policies and procedures for managing money from individuals or families
 - » This includes managing the Personal Needs Allowance (PNA) for individuals living in a nursing home and receiving Medicaid
 - » Learn more about the PNA at medicaid.gov/medicaid/eligibility/spousal-impooverishment/index.html
- Policies about reporting and responding to theft and financial abuse
 - » In many states, nursing home and assisted living staff are required to report suspected elder abuse, so you may also want to learn about your state's laws at justice.gov/elderjustice/prosecutors/statutes.
- Policies about phone calls or visits from salespeople
- How care team members help protect your loved one's checkbooks, ATM cards, and federal benefit debit cards
- How care team members help protect online accounts and other "virtual valuables," such as financial documents saved on a computer or other device.

- Federal and state programs that may affect your loved one, including:
 - » Medicare and its limitations: [medicare.gov/coverage](https://www.medicare.gov/coverage)
 - » Medicaid: [medicaid.gov/medicaid/eligibility/index.html](https://www.medicaid.gov/medicaid/eligibility/index.html)
 - » The Medicaid application process: [acl.gov/ltc/medicare-medicaid-and-more/medicaid/applying-for-medicaid](https://www.acl.gov/ltc/medicare-medicaid-and-more/medicaid/applying-for-medicaid)

Build awareness to help others

You can help educate other individuals and families about preventing elder financial abuse. You can join groups such as resident and family councils. You can invite a police officer, long-term care ombudsman, or Adult Protective Services representative to talk about their role and answer questions. Banks, credit unions, and other financial professionals may offer free trainings on how to prevent fraud or manage money. You can work with nursing home or assisted living staff members to coordinate these activities and see if they are willing to host events.

Some ideas for possible training topics include:

- How to protect private documents and valuables, including virtual valuables: [consumerfinance.gov/about-us/blog/virtual-valuables-consider-your-digital-footprint-you-prepare-future/](https://www.consumerfinance.gov/about-us/blog/virtual-valuables-consider-your-digital-footprint-you-prepare-future/)
- Online safety, such as creating strong passwords: [consumerfinance.gov/about-us/blog/online-mobile-banking-tips-beginners/](https://www.consumerfinance.gov/about-us/blog/online-mobile-banking-tips-beginners/)
- Federal and state laws about elder financial abuse
- How to avoid common scams: [consumerfinance.gov/moneysmart](https://www.consumerfinance.gov/moneysmart)
- Tips for caregivers on how to manage someone else's money: [consumerfinance.gov/msem](https://www.consumerfinance.gov/msem)

How to recognize elder financial abuse

Warning signs

It is important to watch out for signs of financial abuse so you are ready to step in if your loved one needs help.

Alma's story



Imagine you plan a visit with Alma, and she invites her new best friend to meet you. The new friend interrupts Alma many times, dismisses Alma's feelings, and says "that's not true" when Alma complains that some of her jewelry has gone missing. You get a bad feeling and wonder if the new friend may be taking advantage of Alma. You decide to visit Alma again tomorrow when the new friend is not there, to talk with Alma privately about the situation.

Many things could signal that someone could be financially abusing your loved one. Here is a list of some "red flags" to watch for.

Things your loved one tells you or that you observe

- Says someone is misusing or stealing their money or property
- Says a checkbook, credit or debit card, or important papers are missing
- Becomes more private or secretive

It is very important to speak with your loved one, stay calm, and listen to what they say. It may take several conversations to get the whole story. Does your loved one have challenges such as dementia, communication barriers, substance abuse, or mental illness that could make their story harder to understand or rely on? For example, sometimes people with memory loss may incorrectly believe money or property has been stolen because they do not remember what happened to it. In this case, it may be helpful to also talk to other people who might have observed the situation or look at financial records to get more information.

Things you see in your loved one's living space, if you are able to visit

- Missing possessions, or possessions replaced with items of lesser value
- Missing medications
- Basics (such as toothpaste or undergarments) are missing, but your loved one's personal needs account is empty
- Blank withdrawal forms or checkbooks are left out in the open

Problems with other family and friends

- Someone pressures your loved one to make a financial decision, change a will, deed, or trust, or sign a document "now"
- Someone threatens that unless your loved one takes some financial action, they will stop taking care of your loved one
- You are allowed to visit your loved one only when a certain person is present
- A certain person often interrupts or speaks for your loved one
- A new friend seems possessive of your loved one, and isolates them from you or other friends and family
- Your loved one, or another family member or financial caregiver, has a problem with gambling, drugs, or alcohol
- Your family is arguing about your loved one's money
- After you start asking questions about suspected financial abuse, someone tells you they plan to move your loved one to a new location

Problems with paying bills or managing money

- Unpaid bills with the nursing home or assisted living community, doctor, or pharmacy, especially when your loved one should have enough money to cover their expenses
- Your loved one gets bills for unnecessary services or medical equipment
- The person managing your loved one's money is late paying bills or breaks their promises

Problems with a financial caregiver

- Someone says they are your loved one's financial caregiver but does not have any written proof, such as a power of attorney document signed by your loved one
- Your loved one is not able to make their own decisions, but they sign a new power of attorney, will, or other legal document
- Multiple financial caregivers argue over who is responsible for paying your loved one's bills
- A financial caregiver who has been helping your loved one is suddenly replaced with a new person
- A financial caregiver is not meeting your loved one's needs
- Someone pressures your loved one to refuse medical care or medication due to cost

Checks, charges, and gifts

- Checks or other documents are signed when your loved one is no longer able to write
- You see different versions of your loved one's signature or you see a signature that was shaky is suddenly firm
- Your loved one's account has many checks made out to "cash," or checks are used out of number order
- You see credit card or debit card charges for items that your loved one did not buy
- Your loved one makes gifts (either frequent or expensive) to care team members or volunteers
- Your loved one sells valuable items to care team members or volunteers

Definitions

A **"financial caregiver"** is someone who is managing money or property for a family member or friend who is unable to pay bills or make financial decisions. For example, a financial caregiver could be an agent under a power of attorney, a trustee, a guardian or conservator, or a Social Security representative payee or Veterans Affairs fiduciary. Learn more at consumerfinance.gov/msem.

Fraud and scams that target older people

Alma's story



The next time you visit Alma, you notice that she has piles of mail on her table. You ask her what is going on with all these letters. Alma tells you she has been winning a lot of contests and sweepstakes lately. She says she has sent checks and cash to several of them to pay for taxes and fees, and she is now waiting to collect her prizes. You remember hearing about lottery scams on the news and you talk with Alma to explain to her that these letters are scams. You encourage her to stop sending money and you help her file a police report.

Scams and fraud by strangers can happen even in protected places like assisted living communities and nursing homes. Scammers with a convincing story are as close as the telephone, the mailbox, or the computer.

Scams are always changing. Typical scams, like a romance scam or tech support scam, are frequently updated with new twists to the scammer's story.

CFPB and FDIC's Money Smart for Older Adults program teaches older adults and caregivers how to recognize and avoid common scams. To download or order free print copies of the program materials, visit consumerfinance.gov/moneysmart. The Federal Trade Commission (FTC) has a page with information about current scams at consumer.ftc.gov/scam-alerts.

Scammers may target people living in assisted living communities and nursing homes who feel lonely or experience memory loss. For example, scammers may claim to be following up on a fake order with a "payment" due, or they may say the person forgot to pay a bill and then demand money.

Here are some warning signs that scammers might be targeting your loved one:

- Your loved one receives news about a lottery win or prize that requires them to pay fees or taxes before they get the money
- A caller asks your loved one for their bank account information or asks them to make a payment using a gift card, wire transfer, or cryptocurrency
- A caller makes a financial decision seem urgent by pressuring your loved one to either (a) act now or risk losing an opportunity or (b) act now before something bad happens
- A caller claims to be from a government agency, bank, or other organization and asks for information that they should already have, such as a Social Security number or account number
- Your loved one receives a lot of mail or email about sweepstakes, contests, health supplements or products, or other scams, suggesting that he or she is being targeted by scammers

CFPB offers a variety of free resources to help prevent scams at consumerfinance.gov/olderamericans. You may also find free resources through your state Attorney General's office, senior centers, long-term care ombudsman, or other state and federal agencies.

If you believe your loved one is the target of a scam, consider helping them review and shred scam mail or delete scam emails and text messages.

Speak with your loved one

Talk with your loved one separately from the person you suspect may be financially abusing them. It is important to find a way to speak privately, so your loved one can feel more comfortable being honest. Keep in mind that many people living in nursing homes have a roommate, and other people such as nurses or housekeeping and maintenance team members may also stop by.

Your loved one may not want to admit what is going on due to shame, fear of retaliation, or sympathy for the perpetrator. Also, older adults from certain groups, such as people of color, immigrants, or LGBTQ individuals, may not feel comfortable reporting abuse because they have experienced discrimination and they do not trust that they will actually get help. However, with support from a trusted person, someone who at first refuses to talk about the financial abuse may be open to talking about it later.

When speaking with your loved one about suspected financial abuse, it can be helpful to ask open-ended questions. Pay attention to their emotions and behavior while you talk. You may want to take notes to keep a record of what they shared with you.

If your loved one cannot make or communicate their own decisions, the Long-Term Care Ombudsman Program may be able to help. The long-term care ombudsman's job is to advocate for people living in nursing homes and assisted living communities. You can find contact information for your regional or local Long-Term Care Ombudsman Program at theconsumervoice.org/get_help.

How to record elder financial abuse

Keep good records

Write down all warning signs you observe. Try to include the dates, times, locations, and details of any incidents, the names of any people who observed the incident, and any photographs or other proof of what you observed. You can give this information to the authorities when you file a report.

Keep a record of all communications such as phone calls, meetings, letters, and emails. List the names and contact information for anyone you speak to about your concerns.

Talk to staff members and volunteers who may have observed something. Be sure that they also document each incident in their records.

How to report elder financial abuse

Alma's story



Imagine a neighbor walks into Alma's apartment while Alma is at lunch, takes Alma's checkbook, and writes a check to herself for \$1,000. Alma tells you that she saw a strange withdrawal from her bank account, and you help Alma call the police to report the crime. Depending on the laws of the state where Alma lives, the neighbor might be charged with grand theft, forgery, financial elder abuse, financial exploitation of a vulnerable adult, or another type of crime.

Your state's laws include definitions of financial abuse or exploitation, laws about who must report abuse, criminal penalties, and other important information. The agencies that investigate or help with reports of suspected elder financial abuse include Adult Protective Services (APS), law enforcement, the long-term care ombudsman, and licensing agencies.

You should follow state and federal law to report suspected elder abuse to the local authorities. If you suspect financial abuse, contact APS and law enforcement first to file a report. You can also ask whether they know of other agencies in your area where you can get help. Then, you can contact the long-term care ombudsman to ask how they can help advocate for your loved one.

You can find out where to file a report by using the U.S. Department of Justice's online tool at justice.gov/elderjustice/roadmap.

Adult Protective Services (APS)

APS are social services programs in each state. They serve older adults and adults with disabilities who need help because of abuse, neglect, or exploitation. Adult protective services is a common term, but this may not be the name of the agency in your state. The National Adult Protective Services Association can help you find your local APS at napsa-now.org/get-help/help-in-your-area/.

APS workers are often the first to respond in cases of abuse, neglect or exploitation. APS workers look at two things before starting an investigation:

1. Whether the older person is eligible for protective services, and
2. Whether the information reported meets the legal definition of abuse, neglect or exploitation in their state.

Eligibility for protective services: Your state's law says who is eligible for protective services. In some states, APS will investigate reports of abuse of adults ages 18 and older who are considered "vulnerable" because they have a physical or mental disability. In other states, APS investigates when the adult is over a certain age—such as 60 or 65—whether or not they have a disability. Many states consider both age and disability to decide whether to investigate.

Definition of mistreatment: APS also considers whether a report of abuse meets the state's definition of financial abuse or financial exploitation. Ask your APS agency how your state defines elder financial abuse, or look at the definitions here: [justice.gov/elderjustice/prosecutors/statutes](https://www.justice.gov/elderjustice/prosecutors/statutes). This helps you know what to watch out for and what facts to include when you report suspected abuse.

If APS starts an investigation, the process usually proceeds in a series of steps. First, APS decides whether the older person has experienced or is at risk of experiencing abuse. If APS finds there is abuse, APS decides what services are necessary to help the person and helps start the services. These services may include food, shelter or help finding housing, medical or mental health treatment, legal help, or financial help. The National Center on Elder Abuse has more information about the process of investigating a case at ncea.acl.gov/NCEA/media/Publication/APS-Flow-Chart.pdf.

People who are eligible for APS services have the legal right to refuse help, as long as APS believes the person has the ability to make their own decisions. This means an older person has a right to refuse help even when the APS investigator, family members, or others believe the older person needs the services. You can ask APS staff in your state how they decide whether someone has the ability to make their own decisions.

Almost all states have laws that require certain people to make a report to APS if they suspect elder financial abuse. Some states require specific types of professionals to report, such as nursing home staff or financial professionals. Other states require "any person" to report. You can find out whether you are required to report by asking a lawyer, or by checking your state's laws at [americanbar.org/content/dam/aba/administrative/law_aging/2020-elder-abuse-reporting-chart.pdf](https://www.americanbar.org/content/dam/aba/administrative/law_aging/2020-elder-abuse-reporting-chart.pdf). Even if you are not required to report, you may voluntarily report when you

suspect financial abuse, and you should file a report in order to get the person the help they need.

The National Center on Elder Abuse has more information about APS at ncea.acl.gov/NCEA/media/Publication/APS-Fact-Sheet.pdf.

Law enforcement

It is also very important to report financial abuse to law enforcement. If there is an urgent risk of harm to your loved one or someone else, you should call 911 right away. Otherwise, you can call the non-emergency number for your local police or Sheriff's office to file a report.

Some states have laws that make elder financial abuse a specific crime. Financial abuse may also involve other crimes such as theft, fraud, forgery, embezzlement, and money laundering.

When you contact law enforcement, an officer will speak with you either by phone or in person. Depending on the situation, the officer may also want to speak with your loved one, any witnesses, and the suspected perpetrator. If there is documentation of the financial abuse, such as a bank statement or forged check, the officer will likely ask to see the documentation.

File a report: who, what, where, when, and how

Below are some things that might be included in your report to APS or law enforcement. However, you should still file a report even if you do not have some of this information. You are not expected to have clear proof of abuse before reporting. Your job is simply to share your own observations, which allows an investigator to step in and help.

- Time, date, and location of any incidents
- Names of anyone who was involved and anyone who observed the incident
- Description of the suspected financial abuse and signs of any other type of abuse or neglect

Definitions

Resident and Family

Councils are groups of family members who work together to help people living in nursing homes and assisted living communities and their families. Your loved one's community may have a resident and family council. The council can share concerns with the administrator of the nursing home or assisted living community and request improvements.

Learn more at ltcombudsman.org/uploads/files/issues/family-council-brochure.pdf.

- Your loved one's disabilities or health conditions, if you know, including any information about problems with decision-making or memory loss
- Whether you believe there is an urgent risk of danger to your loved one or someone else

If your loved one has a social worker, elder patient advocate, or someone in a similar role, consider contacting them to ask what they can do to help.

You can also report the financial abuse directly to the patient care coordinator or administrator of the assisted living community or nursing home. Ask which staff person is responsible for receiving and investigating reports of abuse and contact that person. You can also ask to speak with the administrator. Ask what the administrator can do to help.

Following up can make a difference

If you are not satisfied with APS or law enforcement's response to your report, you can ask whether providing more information would help with their investigation. You can ask to talk about the case with a supervisor. Take notes each time you speak with the agency, including the name of each person you talk to and the dates and times of your conversations. The National Adult Protective Services Association has more information about different steps that may happen after you report suspected abuse at napsa-now.org/wp-content/uploads/2021/01/What-APS-Reporters-Need-to-Know.pdf.

Long-term care ombudsman

A long-term care ombudsman helps people living in nursing homes, assisted living communities and similar adult care communities. An ombudsman can advocate for individuals to help solve problems. If you contact a long-term care ombudsman, they can speak with your loved one, find out how your loved one wants to resolve the problem, and help work towards that goal.

Every state has an Office of the State Long-Term Care Ombudsman, and you can find yours at theconsumervoice.org/get_help. Learn more about what an ombudsman can do to stop financial abuse at lombudsman.org/uploads/files/library/long-term-care-ombudsman-program-what-you-must-know.pdf.

Other places to report financial abuse

Your first priority should be to contact APS and law enforcement if you suspect financial abuse. Below are some other resources that may be able to help with specific situations.

If you suspect that a care team member or volunteer of the assisted living community or nursing home may be financially abusing your loved one, report your concerns to the administrator or the staff person responsible for receiving reports of abuse. If the problem is not resolved, ask for information about the grievance procedure and follow the steps to file a grievance. If you are not satisfied with the administrator's response, you can find out which board or individual the administrator reports to and file a complaint with that board against the assisted living community or nursing home.

If your loved one lives in a nursing home, you can file a complaint with your state survey agency that oversees Medicare-certified or Medicaid-certified nursing homes. Find your state agency at [cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertificationGenInfo/Downloads/Complaintcontacts.pdf](https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertificationGenInfo/Downloads/Complaintcontacts.pdf).

If your loved one lives in an assisted living community, find out which agency licenses these communities in your state and file a complaint there. It may be your state health department, department for aging and disability services, department of social services, or another agency. Find your state agency at ahcancal.org/Assisted-Living/Policy/Pages/state-regulations.aspx.

If you believe a staff member or care team member may be the perpetrator, you can also contact the state licensing board that licenses that person. For example, if you suspect a specific type of health care worker is financially abusing your loved one, you can look online to find out which agency licenses that type of health care worker in your state and contact that agency to file a complaint.

If the situation involved a scam, report it to the Federal Trade Commission (FTC) at reportfraud.ftc.gov. The FTC's website also has information about identifying and responding to scams, including scams that target older people.

If the scam used the U.S. mail service, report it to the United States Postal Inspection Service (USPIS) at 877-876-2455 or uspis.gov/report.

If you suspect that a Social Security representative payee is misusing your loved one's Social Security benefits, contact the local Social Security office. You can find contact information for your local office at ssa.gov/locator. You can also call the main Social Security Administration line at 800-772-1213 to file a report.

If you suspect that a fiduciary appointed by the Department of Veterans Affairs (VA) is misusing your loved one's benefits, contact the Department of Veterans Affairs. You can find contact information at iris.custhelp.va.gov/app/answers/detail/a_id/3029. For more information about the VA fiduciary program, visit benefits.va.gov/fiduciary.

If you suspect that a guardian or conservator is misusing your loved one's funds or property, contact the court that appointed your loved one's guardian or conservator. Many courts have procedures for receiving and investigating complaints.

If the financial abuse involved a financial account, work with your loved one to contact their bank, credit union or other financial services provider and file a report. If you believe a staff member at the financial institution may be the perpetrator, you can find out which federal and state agencies regulate the financial institution and file a report with those agencies.

State civil laws

Some states have laws to help people who have experienced financial abuse file cases in civil court to recover their money. Some states have a way to temporarily freeze bank accounts or put a hold on property transfers to stop the financial abuse. In some states, banks and credit unions can put a transaction on hold temporarily when they suspect elder financial abuse. In many states, financial institutions are required to report suspected elder financial abuse to APS or law enforcement.

You may also be able to work with a legal services lawyer or a private lawyer to file a case in civil court to request a "restraining order" or "order of protection." These court orders prevent the perpetrator from contacting your loved one. This can help separate the perpetrator from your loved one and prevent further harm.

You can talk to a lawyer to find out whether your loved one has any of these options. Local civil legal services programs (often known as "legal aid") may be able to help your loved one, or you may need to hire a private lawyer. You can search for legal services programs in your area at [usa.gov/legal-aid](https://www.usa.gov/legal-aid).

Federal laws

Federal law requires most long-term care communities, such as nursing homes and assisted living communities, to report suspected crimes against a resident to state agencies and local law enforcement. If a care team member is aware of the financial abuse and has not reported it, you can remind them of this law and encourage them to file a report.

Concerns about retaliation after filing a report

Sometimes people have concerns that their loved one will be treated poorly by care team members or other individuals if they report the financial abuse. Fortunately, there are some legal protections. Federal law gives people living in nursing homes and assisted living communities the right to file complaints without discrimination or retaliation. Many states also have their own laws to protect people who report elder abuse. Learn more about laws protecting residents' rights at ltcombudsman.org/issues/residents-rights.

It is important to understand any protections you and your loved one have under the law. You can contact the long-term care ombudsman program for help understanding federal regulations and residents' rights, and the ombudsman may also be able to refer you to legal services in your area. You can also speak with a private lawyer. See the "Legal help" section of the Resources list at consumerfinance.gov/elderabuseresources for help finding a lawyer.

Resources for individuals and families

Find resources in your area for elder abuse prevention and response, legal help, help finding benefits, and more at CFPB's elder abuse resources page.

consumerfinance.gov/elderabuseresources

Terms used in this guide

In this guide, we use the words and phrases defined below. Your state may use different terms for long-term care services and supports, financial abuse, and Adult Protective Services.

Administrator is a lead staff person at an assisted living community or nursing home who supervises team members and daily operations and maintains standards of care.

Adult Protective Services (APS) are social services programs provided by states that serve older adults and adults with disabilities who need help because of abuse, neglect, or exploitation. The National Adult Protective Services Association website has information about how to report suspected abuse in each state: napsa-now.org/get-help/help-in-your-area.

Assisted living refers to residential care communities that offer 24-hour care and help with activities of daily living, such as bathing, dressing, and eating. Assisted living is regulated by each state. Over two-thirds of states use the term “assisted living” or something similar. For this guide, we also include residential care homes, group homes, adult family homes, and board and care homes in the definition of assisted living.

Elder abuse, often called “abuse, neglect and exploitation,” includes many types of mistreatment of older adults. This may include physical, emotional or psychological, or sexual abuse, neglect, and self-neglect, and financial abuse. The National Center on Elder Abuse describes seven types of elder abuse:

- Physical Abuse
- Sexual Abuse
- Emotional or Psychological Abuse
- Neglect
- Abandonment
- Financial Abuse or Exploitation
- Self-neglect

Your state may use different words to describe these types of elder abuse.

Elder financial abuse (also called **elder financial exploitation**) is when a person takes or misuses an older adult's money or assets for the benefit of someone other than the older adult. For example, neighbors, caregivers, professionals, and even family or friends may take money without permission, fail to repay money they owe, charge too much for services, or not do what the older adult paid them to do. Financial abuse is a form of elder abuse.

Financial caregivers are people who manage money or property for a person who is unable to make their own financial decisions. For example, a financial caregiver could be an agent under a power of attorney, trustee, guardian or conservator, or Social Security representative payee or Veterans Affairs fiduciary.

Long-term care ombudsman is an advocate for people living in nursing homes, assisted living communities, board and care homes, and similar adult care communities. Ombudsman staff and volunteers work to help people solve problems. Every state has an Office of the State Long-Term Care Ombudsman.

Mandated reporters are people who are required by law to report any suspected elder abuse to a specific authority, such as Adult Protective Services or law enforcement.

Nursing home means a long-term care community that is licensed by the state as a "nursing home," "nursing facility," "skilled nursing facility," or "intermediate care facility," or that provides similar levels of care. Most provide services covered by Medicaid and/or Medicare. Nursing homes generally offer a higher level of care than assisted living communities.

Perpetrator means a person who is suspected of financially abusing an older adult.

About the Consumer Financial Protection Bureau (CFPB)

The Consumer Financial Protection Bureau (CFPB) is a 21st century agency that helps consumer finance markets work by making rules more effective, by consistently and fairly enforcing those rules, and by empowering consumers to take more control over their economic lives.

The CFPB Office for Older Americans develops initiatives, tools, and resources to help protect older consumers from financial harm and help older consumers make sound financial decisions as they age.

For more information about the CFPB, visit consumerfinance.gov.

About this guide

The Consumer Financial Protection Bureau (CFPB) Office for Older Americans created this guide to help family members and friends prevent financial abuse of their loved ones who are living in assisted living communities and nursing homes.

This guide is not intended to provide legal advice or serve as a substitute for your own legal counsel. If you have questions or concerns about legal issues and responsibilities, we recommend that you seek the guidance of an appropriate legal professional.

This document includes links or references to third-party resources. The inclusion of links or references to third-party sites does not necessarily reflect the Bureau's endorsement of the third-party, the views expressed on the third party site, or products or services offered on the third-party site. The Bureau has not vetted these third parties, their content, or any products or services they may offer. There may be other entities or resources that are not listed that may also serve your needs.

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