Final Report

Examining the Prevalence of Financial Exploitation of Individuals Suffering from Alzheimer's and Dementia Related Diseases in Texas

This document is provided by the students of the consulting capstone course at The Bush School of Government and Public Service for the Alzheimer's Association of Houston and Southeast Texas in Houston, Texas.

About the Project

This report is the product of a capstone project at the Bush School of Government and Public Service at Texas A&M University. Led by a faculty member on behalf of the Alzheimer's Association of Houston and Southeast Texas Chapter, the team, which is comprised from students in the Master of Public Service and Administration program, conducted two semesters of capstone research, allowing them to apply both the academic knowledge and project management skills they have learned through their graduate program. This project culminates in a final report and presentation to the client.

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Key Terms

The definition of terms related to financial exploitation differ greatly depending on the source. This list provides a definition of the terms frequently used in the study of elder financial exploitation. These definitions are derived from academic literature, medical studies, and state and federal laws.

Cognitive Impairment: A complex instrumental activity of daily living critical to independent functioning of older adults affected by normal aging or altered by a neurological, psychiatric, or medical condition (Marson 2013; Sherod et al. 2009).

Cognitive impairment affects financial capacity and increases the chances of financial exploitation.

Consent: Assent in fact, whether express or apparent (Texas Penal Code Title 1, Section 1.07 (2)).

Consent is the first step in commencing the investigation of a suspected case of financial exploitation.

Elder Abuse: The negligent or willful infliction of injury, unreasonable confinement, intimidation, or cruel punishment resulting from physical or emotional harm or pain to an elderly person or person with a disability by the person's caretaker, family member, or other individual who has an ongoing relationship with the person (Texas Human Resources Code Title 2, Section 48.002 (2)).

Financial exploitation is not considered elder abuse but rather a subcategory of elder abuse garnering a separate set of penalties.

Elderly Population: A person 65 years of age or older (Texas Human Resources Code Title 2, Section 48.002 (1)).

The elderly population is affected in greater numbers by Alzheimer's and dementia-related diseases; therefore, they are a population that is at greater risk of financial exploitation.

Financial Capacity: The requisite financial skills needed to manage one's money, estate, and financial affairs in a manner consistent with their values and self-interest. This is the basis for determinations of conservatorship/guardianship of an estate, depending on the state legal jurisdiction (Marson 2013; Marson & Sabatino 2012).

Diminished financial capacity makes an elderly individual more susceptible to financial exploitation.

Financial Exploitation: The illegal or improper act or process of a caretaker, family member, or other individual who has an ongoing relationship with an elderly person or person with a disability that involves using, or attempting to use, the resources of the elderly person or person with a disability, including the person's social security number or other identifying information, for monetary or personal benefit, profit, or gain without the informed consent of the person (Texas Human Resources Code Title 2, Section 48.002 (3)).

Financial exploitation is the focus of our research and analysis.

Financial Institution: A bank, credit union, trust, or savings and loan association, whether chartered under the laws of this state, another state, the United States, or another country, including a state savings bank that has its main or principal office in Texas or another state or country (Texas Finance Code Title 3 Subchapter B, Section 201.101).

Financial institutions are stakeholders that could help detect financial exploitation given their official capacity and proximity to the financial information and dealings of customers.

Guardianship: The court appointment of designating a responsible individual to provide care and financial management of an individual deemed incapacitated by the state. Guardianship is established in an effort to protect vulnerable persons from abuse, neglect, and exploitation (Texas Estates Code 2014; Texas Guardianship Association 2016).

An elderly individual who has experienced financial exploitation may have their finances turned over to the care of a guardian through the process of guardianship.

Mandatory Reporter: Requirement by law to report abuse of another individual based on a suspicion or information that possible abuse has occurred to a specified public authority (CFPB 2016; Jirik & Sanders 2011; Pomerance 2015).

All Texas residents are required to report explicit or suspected financial exploitation of an elderly individual.

Peer States: States with similar demographic and political features to Texas. Peer states of Texas include Florida, Kentucky, Michigan, and Utah.

Evaluating the models of policy implementation in peer states provide context for policy alternatives in Texas.

Stages of Alzheimer's Disease:
Early Onset or Younger Alzheimer's Disease: A form of Alzheimer's disease affecting people as young as 30 and through their 40s and 50 with a largely unknown cause. Individuals with Down syndrome are susceptible to this form of the disease.

Early Stage Alzheimer's Disease: Beginning stage of the disease where an individual can function independently, but may exhibit memory lapses or difficulty concentrating.

Middle Stage Alzheimer's Disease: Longest stage of the disease requiring an increasing level of care. Individuals experience damage to nerve cells within the brain that can contribute to personality or behavioral changes, greater levels of confusion and memory loss, and changes in sleep patterns.

Late Stage Alzheimer's Disease: Final stage of the disease where an individual's memory and cognitive skills have diminished to the extent they require full time assistance and care. Individuals may lose awareness of their surroundings, ability to communicate, and become susceptible to infections (Melissa Miranda Sanchez. State Advocacy Lead, Alzheimer's Association of Houston and Southeast Texas. September 30, 2016. Email Correspondence).

Each phase of Alzheimer's Disease exhibits different levels of cognitive impairment and requires different levels of care, two contributing factors to an affected individual's vulnerability to financial exploitation.

Stakeholder: A person or organization who is involved in or affected by a course of action and therefore has interest in its success or failure (Cambridge Advanced Learner's Dictionary 2017; Merriam-Webster's Learner's Dictionary 2017).

There are various stakeholders involved in the financial exploitation of elderly individuals with Alzheimer's and dementia-related diseases, including the branches of state government, financial institutions, medical professionals, and the family of an elderly person.

Substantial Impairment: Occurs when a disability grossly and chronically diminishes an adult's physical or mental ability to live independently or provide self-care as determined through observation, diagnosis, evaluation, or assessment (Texas Administrative Code Title 40, Chapter 705, Subchapter A, Section 1).

Individuals under the age of 65 affected by early onset Alzheimer's or other dementias are eligible for Adult Protective Services protections if they meet the state's definition of substantially impaired.

Executive Summary

The Alzheimer's Association of Houston and Southeast Texas (Association) is committed to expanding care and services for individuals with Alzheimer's disease through awareness, research, and legislation. The Association has asked the Bush School capstone team to examine the prevalence of elder financial exploitation in Texas, specifically among individuals with Alzheimer's and dementia-related diseases. The result of this examination will assist the Association's policy and recommendation agenda during the 2019 Texas Legislative Session.

Elder financial exploitation is the "illegal or improper act of using, or attempting to use, the resources of an individual for monetary or personal benefit, profit, or gain" (Texas Human Resources Code 2014). Financial exploitation has been cited as the most prevalent form of elder abuse with estimated financial annual losses of $2.9 to $36 billion (MetLife 2011). A review of over 200 academic articles, state statutes, and medical studies found that elder financial exploitation remains largely understudied and underreported. The problem is compounded by weak state statutes concerning elder abuse and inconsistent legal definitions. Texas, home to the nation's fourth largest elderly population, reflects this policy shortfall (Texas Demographic Center 2016). The state's statutes regarding elder financial exploitation are ambiguous, providing minimal protection for the elderly and those affected by Alzheimer's and dementia-related diseases. Furthermore, the true prevalence and fiscal impact of elder financial exploitation on Texas remains unknown as national and state level data is unavailable.

To provide the Association information on the policy environment surrounding elder financial exploitation outside of Texas, the team has studied the statutes, budget allocation, and state-level programs in peer and non- peer states. The team's research plan and data collection efforts have resulted in a set of findings regarding the activities of state APS agencies, Alzheimer's Association chapters, and local law enforcement officials. This report provides the Alzheimer's Association of Houston and Southeast Texas a detailed discussion of the team's findings and perceived future work and limitations.

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Part I: Introduction

Introduction to Elder Financial Exploitation

Elder financial exploitation is the second most common form of elder abuse, resulting in a financial loss of over $2.9 billion a year (MetLife 2011). As the number of Americans over the age of 65 is expected to grow, adequately addressing this issue becomes increasingly important to protect the financial stability of the nation's wealthiest population (Hansen et al. 2016). However, navigating this emerging issue is challenging because of inconsistent state laws, minimal research, and a general lack of awareness among stakeholders and elders. Further complicating the policy environment are inconsistent legal definitions of cognitive impairment, consent, and guardianship. This growing problem is exemplified in the state of Texas, home to the nation's fourth largest elderly population.

The Alzheimer's Association of Houston and Southeast Texas asked the Bush School to examine the prevalence of elder financial exploitation, specifically among Texas citizens with Alzheimer's and dementia-related diseases. The Association will use this information to advocate for stronger financial exploitation policies and recommendations during the 2019 Texas Legislative Session.

The report begins with a summary of the literature review, followed by a description of the research design. To better understand the context of financial exploitation, the report provides an analysis of results, which is divided into Dataset A and Dataset B. Dataset A examines the state statutes, programs, and budgets of ten peer and non-peer states, while Dataset B examines the research conducted by Utah and New York to measure the cost of elder financial exploitation on both the victim and the state. The report also includes research limitations and the options for the Alzheimer's Association of Houston and Southeast Texas to inform future research and policy work

Literature Review

This literature review provides a comprehensive background of elder financial exploitation derived from an extensive analysis of academic literature and state statutes, as well as policy cases. The purpose of completing the literature review was to analyze a published body of knowledge regarding the issue of elder financial exploitation through summary, classification, and comparison of prior research studies, reviews of literature, and theoretical articles. This section reviews the research to date and examines the complexities of elder financial exploitation then continues with an examination of Texas' elder financial exploitation law and policy alternatives that may help the state to address the issue. The primary findings of the literature review are described below.

Multiple Factors Contribute to the Underreporting of Elder Abuse Cases

The prevalence of underreporting in cases of financial elder exploitation is a common theme found in much of the literature. Regardless of the implementation of mandatory reporting laws, an estimated 85 percent of elder abuse cases are never reported to Adult Protective Services (APS) agencies (O'Neill & Vermeal 2015). Underreporting may stem from several factors, including a lack of information on how to report to fear of retaliation and loss of independence because of reporting (Hafemeister 2003; Lichtenberg 2016). Cultural, religious, and/or ethical beliefs, as well as a general lack of awareness, can also add to the complexity of identifying elder abuse (O'Neill & Vermeal 2015). Certain medical professionals and employees of financial institutions may not be exempt from civil liability if they report a suspected case of elder abuse (Callaway 2011; Rodriguez et al. 2006). Thus, some professionals in regular contact with elders are often deterred from reporting a suspected case because they fear being prosecuted for client/patient confidentiality breach. Assessing the effectiveness of mandatory reporting laws through systematic reviews can help legislatures and participating stakeholders address gaps on the current law and address the causes of underreporting (Lee 1985; Rodriguez et al. 2006).

Existing Texas Statutes Pose Difficulties in Reporting and Investigation

The prevalence of elder financial exploitation in Texas is expected to increase as the state's elderly population increases (Texas Demographic Center 2016). Yet, detecting, investigating, and prosecuting the offense in Texas is complicated as the state's mandatory reporting requirement for all residents does not provide specific language requiring the reporting of suspected *financial exploitation* (Texas Human Resources Code 2013). Moreover, before an allegation of elder financial exploitation is investigated, APS must first determine if the allegation meets the state's definition of exploitation, further delaying the investigation process. To meet Texas' definition of elder financial exploitation, the alleged perpetrator must have an ongoing relationship with the victim and there must be proof that the perpetrator profited from the exploitation. After this initial investigation, APS must secure the victim's consent before moving forward with an investigation. Only in instances where an alleged victim is in danger of immediate harm can an APS caseworker continue with an investigation without consent (Texas APS In-Home Investigations Handbook 2016).

In Texas, the offense of elder financial exploitation is a third-degree felony, punishable by a $10,000 fine and up to 10 years in jail (Texas Penal Code 2013). There are no additional protections for victims affected by Alzheimer's or dementia-related diseases and current law limits the scope of potential offenders to "persons with an ongoing relationship" with an elderly individual (Texas Human Resources Code 2013).

States Have Implemented a Variety of Policy Options to Address Elder Financial Exploitation
Elder financial exploitation has been addressed through policy and programming efforts. Implementation of guardianship, disinheritance laws, and mandated reporting, as well as the formation of multidisciplinary teams, have been implemented in multiple states to complement existing elder financial exploitation policies. States have adopted variations on these policies, like Florida, which established a Department of Elder Affairs in 1992 (Florida Department of Elder Affairs 2011). The state of California has perhaps the most comprehensive law requiring financial institutions to report suspected financial exploitation of elderly customers; it includes one of the harshest penalties in the nation for failure to report (Financial Elder Abuse Act 2005)..

The creation and utilization of multidisciplinary teams allows stakeholders, such as APS agencies, law enforcement, medical services, financial institutions, and the legal system, to coordinate their knowledge and resources to collectively address elder financial exploitation (Lichtenberg 2016; Navarro, Gassoumis, & Wilber 2012). The complete literature review further explains the complexities of financial elder exploitation and provides a detailed description of policies enacted to confront this issue in peer states. The document can be found in Appendix H.

Research Design

This section explains the team's research methodology and tracking of qualitative and quantitative data. Due to the nature of this topic, research strategies included case studies, literature reviews, secondary research, historical analysis, and semi-structured interviews with state APS agencies and selected state Alzheimer's Association chapters. Below is a brief explanation of our research strategies followed by a description of the team's research design.

Definitions (Polonsky & Waller, 2015)**:**

- **Case Study:** presents the analysis of a study of a single unit which can be an event or an organization or an aspect of organizational function.
- **Literature Review**: an analysis of published articles and case studies, which gives insight into the issue being examined.
- **Secondary Research:** the examination of previous and public research for some purpose other than the problem at hand.
- **Historical Analysis:** the study of past events to develop an understanding of the present (Jupp 2006).
- **Semi-structured Interviews:** a method of research in which the interviewer develops a list of questions to be explored during the interview with the opportunity to follow-up on topical trajectories during the conversation.

Table 1: Four Phase Research Design

Phase One: Broad Research *Methodology*: Review of Case Studies; Secondary Research; and Historical Analysis *Deliverable(s)*: Literature Review	The team used this phase to gain a broad understanding of financial exploitation, elder abuse, and Texas' practices by conducting a comprehensive literature review. The team examined the complexities of elder abuse through a discussion of financial exploitation, explored Texas' elder financial exploitation law, and provides an overview of policy initiatives at the state and federal level. This literature review provides a holistic perspective of financial exploitation and the existing gaps in research, legislation, and public awareness. The review also provides insight into how Texas addresses elder financial exploitation.
Phase Two: Study of Other States *Methodology*: Case Studies; Cost Studies *Deliverable(s)*: Financial Exploitation State Analysis Dataset (Dataset A)	Phase two provides the team with information for the Financial Exploitation State Analysis Dataset (Dataset A) and the State Cost Study Methodology (Dataset B). The team completed interviews and case studies on research and programs in Florida, Kentucky, Utah, Michigan, California, Delaware, Missouri, New York, Minnesota, and Washington. Through this process, the team gathered information on the policy environment and processes of peer and non-peer states in relation to elder abuse and financial exploitation.

	Peer states - Florida, Kentucky, Utah, and Michigan - provide context for potential laws and programs for the state of Texas. The team analyzed laws, budgets, and population demographics; and conducted informational interviews with APS representatives and respective Alzheimer's Association chapters. The demographic information provides helpful comparison of elderly and Alzheimer's-affected populations for the state of Texas. The interviews with APS representatives provided alternative APS processes. Interviews with the Alzheimer's Association chapters provided a deeper understanding of the chapters' involvement with their respective state agencies and legislature. This phase also included assembling information from APS agencies in both Texas and peer states, as well as law enforcement authorities focused on financial exploitation cases. Their insight influenced our future work and provide the data for our second Financial Exploitation State Analysis Dataset (Dataset A). Non-peer states of New York, California, Delaware, Missouri and Washington also provide context to the policy environment surrounding elder financial exploitation. California has the nation's most comprehensive law requiring financial institutions to report cases of suspected financial exploitation. Similarly, Minnesota has specific statutes on financial exploitation, which will further the team's understanding of laws concerning financial exploitation. Delaware, Missouri, and Washington recently passed bills mandating financial advisers to report suspected financial exploitation. New York, unlike other states, does not mandate reporting. However, it has demonstrated a commitment to addressing financial elder exploitation through other strategic measures, which Texas stakeholders can use as guidance. Moreover, the team also collected information from Adult Protective Services and District Attorney offices in both Texas and peer states. These insights provided the data for our second State Cost Study Methodology Dataset (Dataset B).
Phase Three: Subject Matter Expert Research *Methodology*: Case Study Analysis *Deliverable(s)*: State	The team also analyzed two studies from Utah and New York estimating the economic loss and cost of financial exploitation. These are the only state-level cost studies of financial exploitation. Our analysis of these informed our future work section by providing detail on how Texas may conduct its own cost study.

Cost Study Methodology	
Phase Four: Legislative Political Climate Analysis *Methodology*: Secondary Research; Historical Analysis *Deliverable(s)*: Texas Legislative Political Climate Handout	The fourth step compiled secondary research and conduct a historical analysis of the Texas Legislature. This analysis included a study of past legislation and statutes to better understand previous attempts at elder abuse law.

Part II:
Analysis of Results

The analysis of results includes the findings on peer and non-peer states (Dataset A), followed by a demographic comparison of ten states' budgets, populations, and politics (Figure 1). As part of Dataset A, the team collected state demographics and conducted semi-structured interviews with APS representatives and respective Alzheimer's association chapters. As a result of this analysis, the team identified differences in the operation of APS agencies and Alzheimer's Association chapters in peer states. Texas classifies elder financial exploitation as the lowest priority on the state's four-level investigation priority scale, while certain peer states classify all intakes as either emergencies to be addressed by APS in 24-hours or less or non-emergencies to be addressed in a two to three week period. This allows APS caseworkers to begin investigation of alleged financial exploitation cases in a shorter time frame than Texas caseworkers. Representatives of peer state Alzheimer's Association chapters also provided greater context to a state's policy environment for financial exploitation legislation. Agency representatives noted that more resources were available where there were multidisciplinary teams.

The team also examined the data collection and analysis methods used in Utah and New York to estimate the total state fiscal impact of elder financial exploitation (Dataset B). Currently, Texas does not collect data about elder financial exploitation nor has it determined the financial losses of financial exploitation to victims and the state. While both Utah and New York differ in geographic region, population, and funding, understanding the variables used to estimate losses experienced by financial exploitation victims can help Texas ascertain the effects of financial exploitation among its elderly and Alzheimer's- affected populations. Such a study would highlight the extent of this growing problem and assist policymakers in further understanding the issue and its effects on individuals and the state of Texas.

The incidence of elder financial exploitation in Texas is expected to increase as the state's population ages. Thus, the team also examined the state's' changing demographics, existing statutes, and APS' process for reporting suspected cases. Additionally, the team also conducted semi-structured interviews with two district attorney offices in Texas to learn more about their prosecution procedures and examined the state's political climate. The team found that Texas is unprepared to confront this problem through policy. Texas' narrow scope of protection to victims of financial exploitation under statutory law, coupled with a lack of state research and available public data, makes it difficult to estimate the financial losses of financial exploitation among elders and those with Alzheimer's and related diseases.

Dataset A: Peer and Non-peer States

The team analyzed the state statutes, programs, and budgets of ten peer and non-peer states. A peer state is defined as a state with similar demographic and political features to Texas. Peer states of Texas include Florida, Kentucky, Michigan, and Utah and were identified by the Alzheimer's Association. A non-peer state is defined as a state that does not maintain similar demographic and political features to Texas, but that may help provide context to the policy environment surrounding elder financial exploitation. Non-peer states identified by the team are California, Delaware, Minnesota, Missouri, New York, and Washington. Further information on each non-peer state can be found in Appendix B.

The following sections first describe the analysis of each peer state (Florida, Kentucky, Michigan, and Utah). This analysis is continued for non-peer states (California, Delaware, Minnesota, Missouri, New York, and Washington).

PEER STATES

For each peer state, the team collected information regarding population demographics, state-operated programs, and annual state budget allocations. This was supplemented by interviews with state APS agencies and Alzheimer's Association chapters. An analysis of each peer state's political climate is not included as peer states reflect similar political climates to Texas.

Florida

1. State Demographics

Elderly and Alzheimer's Affected Population

Florida defines an "elderly" as an individual 60 years or older (Florida Statutes 2016). In 2015, 24.8 percent of the state population was over the age of 60 (American Fact Finder 2015) and is projected to increase 40.2 percent by 2025 (Florida State Senate 2016). There are approximately 510,000 Floridians who suffer from Alzheimer's and dementia-related diseases. This is expected to increase by 41.2 percent by 2025 (Alzheimer's Association 2016).

State Aging, Abuse, and Alzheimer's Programs

Florida's programs for elderly include healthcare services, awareness programs to prevent abuse, and Alzheimer's research. The Florida Department of Elder Affairs maintains 11 Area Agencies on Aging across the state. These Area Agencies serve as a clearinghouse for information and assistance about state and federal benefits, as well as available local programs and services. The department also promote an Elder Abuse Prevention Program providing supports services to protect elders from abuse in all its forms, including financial exploitation. The program is funded through the federal Older Americans Act and funds are administered through contracts with Area Agencies on Aging and local service providers (Department of Elder Affairs 2016).

Unique to Florida, the state is required by law to maintain an Alzheimer's Disease Advisory Committee. The committee is comprised of ten members selected by the Governor for a four-year term. At least four of the members must be licensed, hold a doctoral degree, or be involved in Alzheimer's disease research; four must be caregivers of those suffering from Alzheimer's disease; and at least one must be a gerontologist, a registered nurse, a geriatrician, a neurologist, a geriatric psychiatrist, or a social worker. This multidisciplinary team advises the Department of Elder Affairs regarding legislative, programmatic, and administrative matters that relate to individuals with Alzheimer's disease and their caregivers (Department of Elder Affairs 2016).

Funding

For FY 2017, the state budget was $82,285,276,649 (The State of Florida's Executive Office of the Governor: Florida Fiscal Portal 2016). The Florida Department of Elder Affairs budget was $311,480,952 (The State of Florida's Executive Office of the Governor: Florida Fiscal Portal 2016). The FY 2017 APS was not provided within the larger state budget.

Findings

Major takeaways from our research on Florida include its extensive list of mandated reporters and law requiring a committee dedicated to Alzheimer's-related issues. The state of Florida requires medical and health professionals, among other state and local employees, to report suspected abuse and or financial exploitation. Furthermore, no other state reviewed requires a multidisciplinary team to advise elder affairs and policy.

2. Florida Adult Protective Services

Similar to Utah, Florida Adult Protective Services categorizes reports of abuse as emergency and nonemergency. The state of Florida defines as "a person 18 years of age or older whose ability to perform the normal activities of daily living or to provide for his or her own care or protection is impaired due to a mental, emotional, sensory, long-term physical or developmental disability or dysfunction, or brain damage, or the infirmities of aging" (APS Chapter 415.102). By law, any person is required to report a case; however, APS specifically mentions that certain health care practitioners are required to report suspected or known elder abuse cases, including some state, county, and municipal employees and bank related officers, trustees, and employees. All reports are done through the central abuse hotline in writing or through a single statewide toll-free telephone number.

Reported cases require an immediate, 24-hour response or a next-working-day response priority. Upon receiving an oral or written report of a known or suspected case, the central abuse hotline must determine if the report meets reasonable cause and whether it requires an immediate onsite protective investigation (Florida Statutes 2016). The central abuse hotline must immediately notify the department's designated protective investigative district staff if the case is perceived to be "immediate." For reports not requiring an immediate response, the central abuse hotline must notify the department's designated protective investigative district staff, "in sufficient time to allow for an investigation to be commenced within 24 hours" (Florida Statutes 2016). If the suspected abuser is someone other than a relative, caregiver, or household member, then the reported case is immediately transferred to the appropriate county sheriff's office as it does not meet APS' criteria for investigating reported cases.
APS must take into consideration if the victim of abuse wants to proceed with the investigation. If abused victims lack that ability, they are given powers by state statutes to safeguard this person. Once APS hands law enforcement a case, law enforcement officials follow their own definitions and procedures as set by the state's statutes.

APS also works closely with the Palm Beach County for the Silver Alert and are involved with the Alzheimer's Disease Advisory Committee. The Alzheimer's Disease Advisory Committee is a ten member panel of experts that advises the Florida Department of Elder Affairs on legislative, programmatic, and administrative issues related to individuals with Alzheimer's disease and their caretakers. APS also works closely with the Department of Elder Affairs who provide state services to those aged 60 and older. Because of funding, APS does not currently have any direct partnerships. They have, however, reached out to several research universities and agencies for collaboration.

From July 2015 to June 2016, APS handled more than 50,000 reports, such reports included individuals 18 and older as by their definition of vulnerable adults. Of these cases, 7,381 were financial exploitation cases, involving 7,805 alleged victims of ages 65 and older. However, the data does not capture whether the abused victim has dementia or Alzheimer's as it is harder to determine. However, an APS caseworker determines mental capacity at time of abuse or neglect. [1]

3. Florida Alzheimer's Association

The Central & North Florida Chapter of the Alzheimer's Association is involved with the Florida Department of Elder Affairs. Each of the four Alzheimer's Association chapters in Florida represent a different region of the state and each year they set four to five priorities for the state and send them to state authorities. The Florida chapter of the Alzheimer's Association works heavily with the state's Alzheimer's Disease Initiative and often receives state funding via this initiative.[2]

The Alzheimer's Disease Initiative provides services to individuals and families affected by Alzheimer's disease. These services include caregiver respite services; case management; specialized medical equipment, services, and supplies; and caregiver counseling, support groups, and training; and memory disorder clinics which provide diagnostic and referral services for those suffering from Alzheimer's disease and related dementias.

Kentucky

1. State Demographics

Elderly and Alzheimer's Affected Population

Kentucky defines "elderly" as an individual over the age of 65 (Kentucky Revised Statutes 2012). In 2015, an estimated 20.5 percent of the state's population of the state was considered elderly (American Fact Finder 2015), a number expected to increase by 5.6 percent by 2025 (Administration of Aging 2014). Approximately 69,000 Kentuckians suffer from Alzheimer's and dementia-related diseases, a population expected to increase by 25 percent by 2025 (Alzheimer's Association 2016).

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[1] Robert Anderson, Director, Florida Adult Protective Services and Lee Ann Christenson, Deputy Director, Florida Adult Protective Services. Phone Interview on November 7, 2017.

[2] Michelle Branham, Vice President of Communications and Public Policy, Central & North Florida Chapter of the Alzheimer's Association. Phone Interview on November 29, 2017.

State Aging, Abuse, and Alzheimer's Programs
A number of state-led programs exist to address elder financial exploitation and issues affecting the Alzheimer's and dementia affected population. In addition to Kentucky Adult Protective Services, Kentucky also operates local Coordinating Councils on Elder Abuse within each State Area Development District. The Coordinating Councils are interdisciplinary teams, under the leadership of APS and Area Agencies on Aging, that investigate cases of elder abuse, including financial exploitation (Kentucky Cabinet for Health and Family Services 2017).

The state also operates an Elder Abuse Committee comprised of representatives of the Kentucky Departments for Community Based Services, Public Health, Behavioral Health, Developmental and Intellectual Disabilities, Aging and Independent Living, as well as the state's Office of Inspector General's Division of Health Care, Office of the Ombudsman and area Agencies on Aging, local and state law enforcement officials and prosecutors (Kentucky Revised Statutes 2012). The committee was formed in 2012 to provide services to the elderly population of Kentucky and is explicitly authorized to "recommend a model protocol for the joint multidisciplinary investigation of reports of suspected abuse, neglect, or exploitation of the elderly" and recommended practices to assure timely reporting of referrals of abuse, neglect, or exploitation" (Kentucky Revised Statutes 2012). The Elder Abuse Committee is directed by state statute to submit an annual report of activities and policy recommendations to the Governor and Legislative Research Commission. The last annual report was completed in 2016.

The state's Office on Alzheimer's Disease and Related Disorders was created in 2000 to "oversee information and resources related to policy and services affecting the residents of Kentucky with dementia" and their caregivers (Kentucky Revised Statutes 2000). The Alzheimer's Disease and Related Disorders Advisory Council was also created in 2000 and is responsible for "establishing and evaluating goals and outcomes for the Office on Alzheimer's Disease and Related Disorders," as well as information provision for citizens (Kentucky Revised Statutes 2000). The council is comprised of 15 gubernatorial appointees including representatives of "agencies of state government that deal with dementia" and "local health departments; regional Alzheimer's Associations; the Sanders-Brown Center on Aging; consumers; healthcare providers; and the medical research community" (Kentucky Cabinet for Health and Family Services 2017). The council last submitted a State Alzheimer's Plan in 2008 (Kentucky Cabinet for Health and Family Services 2017).

Funding
Kentucky operates on a biennial budget totaling $10,328,422,700 for 2016 through 2018. In 2016, the state allocated $70,678,400 to the Department of Aging and Independent Living and $36,090,300 for the Adult Services Division of the Department of Community Based Services (Kentucky Office of the State Budget Director 2016). Individual amounts allocated to the state's Alzheimer's programs and elder abuse committees were not provided in the larger budget.

2. Kentucky Adult Protective Services

Kentucky is a mandatory reporting state, which legally requires all citizens to report suspected instances of elder abuse. During fiscal year 2015, the Kentucky Department for Community Based Services received 30,037 calls for reports of elder abuse. Those calls were screened and 12,618 met acceptance criteria for an APS investigation under the Kentucky Revised Statutes

(KRS) 209. KRS 209 defines the penalties correlated to elderly abuse. The purpose of this chapter is to identify victims of domestic violence, abuse, or neglect inflicted by a spouse and to provide for the protection of adults who choose to access those services (State of Kentucky 2017).

Within the Department of Community Based Services, the Kentucky APS agency is responsible for investigating and providing protective services to individuals that are reported to be the alleged victim of abuse, neglect or exploitation according to KRS 209.020 (Kentucky Revised Statutes 2016). The agency defines a vulnerable adult as a "person over the age of 18 years of age or older who, because of mental or physical dysfunction, is unable to manage his own resources, carry out the activity of daily living, or protect himself from neglect, exploitation, or a hazardous or abusive situation without assistance from others, and who may be in need of protective services" (Kentucky Revised Statutes 2016).

Kentucky APS follows a strict process of case work. The process begins when APS receives a report; the caseworker then accepts or denies the allegation depending on certain eligibility criteria. After accepting a case, it is categorized as either emergency or nonemergency. An emergency designation is assigned if the adult is facing a life-threatening situation. The caseworker is required to make contact with the victim within one hour for an emergency report and 48 hours for a nonemergency report (Kentucky Administrative Regulations Title 922).

Upon taking the case, the APS caseworker forwards the report to authorities, who may help conduct a joint investigation with APS. The APS caseworker has 30 working days (45 calendar days) to complete their investigation. If the office deems a crime committed, they consider a range of services. First, APS will try working with the adult to consider options, if he or she has the mental capacity to make decisions. If the adult does not have the mental capacity, APS pursues alternatives to help the adult from being further exploited, such as appointing a conservator or guardian.[3]

3. Kentucky Alzheimer's Association

The Alzheimer's Association of Greater Kentucky and Southern Indiana focuses on interdisciplinary coordination and involvement in advocacy efforts. While the chapter did not take part in implementation of the state's comprehensive elder financial exploitation policy, the chapter is represented on the Kentucky Alzheimer's Disease Council and works to recognize policy priorities in the annual Kentucky Alzheimer's Disease Plan. Similar to Texas, Kentucky operates a biennial legislature, resulting in a lengthy process of passing a simple law regarding elder financial exploitation. Previous legislative efforts of the Greater Kentucky and Southern Indiana chapter seeking to form a state registry for offenders of elder financial exploitation took nearly five years to become law. Collaboration across multiple interests, including the American Association of Retired Persons (AARP), was integral in passing the legislation, as well as maintaining bipartisan sponsors for legislation.[4]

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[3] Stacy Carey, Policy Analyst, Kentucky Adult Protective Services. Informational Interview on February 23, 2017.

[4] Bari Lewis, Policy Director, Greater Kentucky and Southern Indiana Chapter of the Alzheimer's Association. Phone Interview on February 14, 2017.

Michigan

1. State Demographics

Elderly and Alzheimer's Affected Population

Michigan does not provide a specific definition for "elderly", but does define a "vulnerable adult" as "an individual age 18 or over who, because of age, developmental disability, mental illness, or physical disability requires supervision or personal care or lacks the personal and social skills required to live independently" (Michigan Penal Code 2016). In 2015, 21.3 percent of the state population was over the age of 60 (American Fact Finder 2015) and is projected to increase 18 percent by 2025 (Administration on Aging 2014). There are approximately 180,000 Michiganders who suffer from Alzheimer's and dementia-related diseases, a number expected to increase by 22.2 by 2025 (Alzheimer's Association 2016).

State Aging, Abuse, and Alzheimer's Programs

The state confronts issues faced by their vulnerable adult population through the Michigan Model Vulnerable Adult Protocol (MI-MVP). MI-MVP is a blueprint for communities to implement for the purpose of reducing harm and victimization of vulnerable adults through a coordinated team approach (Corrigan 2013). This model protocol is intended to aid in systemic changes and ensure reports are appropriately reviewed, investigated, and prosecuted to ensure victims are referred to the necessary social and health services (Michigan Department of Human Services 2013). Michigan also enacted the PREVNT initiative, which seeks to implement tools and systems to detect and address elder abuse, neglect, and exploitation in Michigan. The state collaborates with different public and private organizations to educate and provide services for the elderly and prevent financial exploitation.

Funding

For FY 2017, the state budget is $54 billion, and the Aging and Adult Services Agency's budget is $101.1 million (State of Michigan: State Budget Office 2016). Neither the FY 2017 APS budget nor the Michigan Model Vulnerable Adult Protocol (MI-MVP) were provided within the larger state budget.

Findings

The Michigan Model Vulnerable Adult Protocol (MI-MVP) and the PREVNT initiative are important to Texas because these programs use multidisciplinary teams to identify, investigate, prosecute, prevent, and educate the public about financial exploitation. The Public Act 175 of 2012 mandates Department of Human Services, Michigan State Police, Michigan Attorney General, Michigan Office of Services to the Aging and a long-term care representative to create protocol for identifying, investigating, and prosecuting vulnerable adult abuse, neglect and exploitation (Office of Services to the Aging 2017). This multidisciplinary approach, involving different stakeholders, is a method that is considered effective while addressing a wicked problem like financial exploitation.

For PREVNT, the Adult and Aging Services Agency (AASA) collaborates with both public and private organizations and aims to implement systems and tools that address financial exploitation (Aging and Adult Services Agency 2017). This program is funded by the state so that AASA could provide grants to organizations like Area Agencies on Aging, Institute of Gerontology at Wayne State University, and legal associations like Prosecuting Attorneys Association of

Michigan (Aging and Adult Services Agency 2017) to educate the public, provide training to employees of financial institutions, and support investigations.

2. Michigan Adult Protective Services

Our team contacted the Michigan Adult Protective Services, but did not receive a response.

3. Michigan Alzheimer's Association

Our team contacted the Michigan Alzheimer's Association, but did not receive a response.

Utah

1. State Demographics

Elderly and Alzheimer's Affected Population

Utah defines an "elderly" as an individual 65 years or older (Utah Criminal Code 2011). In 2015, 14.9 percent of the state population was over the age of 60 (American Fact Finder 2015) and is projected to increase 44 percent by 2025 (Kem C. Gardner Policy Institute 2017; The University of Utah 2017). In Utah, approximately 30,000 people suffer from Alzheimer's and dementia-related diseases, and the number is expected to increase by 44 percent by 2025 (Alzheimer's Association 2016).

State Aging, Abuse, and Alzheimer's Programs

Utah's primary program addressing issues of aging is multidisciplinary in its approach. The state's Commission on Aging is housed at The University of Utah and is comprised of members from the state Senate; House of Representatives; Department of Health; Department of Human Services; Governor's Office of Economic Development; Department of Workforce Services; various counties and city offices; healthcare organizations and providers; financial institutions; legal professionals; and American Association of Retired Persons (AARP) (University of Utah 2015). The state Alzheimer's Association chapter worked in cooperation with the Commission to develop the 2012-2017 Utah State Plan for Alzheimer's Disease and Related Dementias. The plan details five goals, 18 broad recommendations and nearly 100 specific strategies to focus on improving the dignity and quality of life for people with dementia and their families, mobilizing government, health professionals and families to address Alzheimer's and dementia related disease, and supporting and advancing research. The state plan receives annual state funding in an undisclosed amount (Bell 2012).

The state of Utah does not oversee specific programs addressing crimes of elder abuse and exploitation outside of the state's Division of Aging and Adult Services, an agency charged with providing protective services. In 2011, the agency published a legal guide for people ages 55 and over, which includes guidance on preventing and addressing financial exploitation in its various forms (Gunther 2011).

Funding

In FY 2017, the Utah state budget was $676 million of which the Utah Division on Aging and Adult Services, under the Department of Human Services, budget was $22.8 million (Utah Office of the Legislative Fiscal Analyst 2015). The exact FY 2017 APS budget was not provided within the larger state budget.

Findings
Major takeaways from our research on Utah are its unique multidisciplinary commission to address concerns of the elderly, elderly suffering from Alzheimer's, and elder financial exploitation. Furthermore, in 2011, the state released the "Utah Economic Cost of Elder Financial Exploitation," the first study to quantify both the individual financial and statewide economic costs of financial exploitation of vulnerable adults (Gunther 2011).

2. Utah Adult Protective Services

To categorize reports of suspected elder abuse and conduct investigations, Utah Adult Protective Services maintains two categories of elder abuse allegations – emergency and nonemergency. Allegations of elder financial exploitation are deemed an "emergency" or a "nonemergency" at the outset of an investigation. Cases considered emergencies require the agency to make contact with a victim and begin an investigation within 24 hours of receiving the allegation, whereas in a nonemergency situation, the agency is to make contact with an alleged victim within three business days. In order to move forward with an investigation, Utah APS must determine if the alleged victim meets the state's definition of a vulnerable adult and is over the age of 65. Further, the alleged victim must display a current protective need that has occurred within the last year. The state of Utah mandates reporting cases of suspected elder financial exploitation from all citizens. Utah APS receives allegations from the public through both a 24-hour hotline and online reporting system and through an email system with local law enforcement. In the event a local law enforcement agency receives a report involving a vulnerable adult, their status is marked in the intake system and automatically sent to Utah APS for investigation. Reports can also be received from law enforcement throughout their investigation if an occurrence of elder financial exploitation has been found.

Utah APS largely follows the directions for completing an investigation described by the state's statutes. Non-emergency investigations of Utah APS begin with prior history searches on each victim and perpetrator. Next, the agency must engage in direct verbal communication with the individual who reported the case, any witnesses or relatives, the alleged perpetrator, and the alleged victim within three to five business day. When interviewing the alleged victim, a caseworker must assess and determine the victim's decision-making capacity and whether the alleged victim is at risk of abuse, neglect, or exploitation. Victims experiencing impaired capacity from a brain disorder or mental illness are deemed to be without the capacity to consent to make informed decisions.

If the agency determines a case of criminal financial exploitation has occurred, the agency immediately hands the allegation over to local law enforcement for their investigation. If it is not found to be a criminal offense, the investigator then classifies the case as "inconclusive," "without merit," or "supported." Victims in supported cases with an unmet protective need can be provided with community protective resources through an APS caseworker. From the time of the initial report, Utah APS caseworkers are expected to complete an investigation within 45 days.

The state keeps no record of prosecuted cases of elder financial exploitation. However, Utah APS does work on an interdisciplinary prosecution screening team in Salt Lake County, the largest in the state. The Elder and Vulnerable Adult Abuse Screening Team is comprised of the Salt Lake County District Attorney's Office, Utah APS, Salt Lake County Aging and Adult Services, and the Salt Lake County Family Justice Center to review the circumstances of an alleged case of exploitation and determines what charges to file. This team is also able to recommend other protective services to vulnerable and elderly adults through this multidisciplinary model.[5]

3. Utah Alzheimer's Association

The Utah chapter of the Alzheimer's Association participates with in a multidisciplinary unit that includes the Commission on Aging within The University of Utah. Working with the Commission, the chapter also helped to develop the state's plan for Alzheimer's and dementia-related diseases, which received state budget funding from the Department of Health to implement. The chapter works regularly with the Commission to advocate on behalf of the plan and policy issues.[6]

NON-PEER STATES

For each non-peer state we collected information regarding state population demographics, political climates, state-operated programs, and annual budget allocations. We also highlighted the characteristics of these states regarding financial exploitation making them unique in comparison to the characteristics of peer states.

California

State Demographics

Elderly and Alzheimer's Affected Population

California defines "elderly" as any person age 65 years or older (California Welfare and Institutions Code 2016). In 2015, 18.7 percent of the state population was over the age of 60 (American Fact Finder 2015) and is projected to increase 36.5 percent by 2025 (California Department of Finance 2012). Of the total population, 610,000 Californians suffer from Alzheimer's and dementia-related diseases, a number expected to increase by 37.7 percent by 2025 (Alzheimer's Association 2016).

Political Climate

Democrats hold the control of both the state legislature and governor's office. The California State Senate is comprised of 27 Democrats and 13 Republicans, and the California State Assembly is comprised of 38 Democrats and 14 Republicans (California State Assembly 2017a; California State Senate 2017). Democratic Governor Jerry Brown was reelected in 2014 and his seat is up for reelection in 2018 (Office of Governor Edmund G. Brown Jr 2017).

State Aging, Abuse, and Alzheimer's Programs

The state's legislature does not preside over standing or select committees specifically relating to issues of elder abuse, but has a standing committee on Aging and Long-Term Care. Its primary

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[5] Nan Mendenhall, Adult Protective Services Director, State of Utah Division of Aging and Adult Services. Phone Interview on February 28, 2016.

[6] Ronnie Daniel, Executive Director, Alzheimer's Association of Utah. Phone Interview on December 1, 2016.

jurisdiction includes California Department of Aging, the California Commission on Aging, local area agencies on aging, long-term supports and services, Older Americans Act, Older Californians Act, senior citizen advocacy activities, the California Senior Legislature, and services for seniors in residential and day settings (California State Assembly 2017b). The California Commission on Aging serves as the principal advocate of older individuals and is comprised of 25 commissioners: 19 of whom are appointed by the Governor, 3 by the Speaker of the Assembly, and 3 by the Senate Rules Committee (California Commission on Aging 2017). It has also previously partnered with Elder Justice Initiative to raise awareness of elder abuse and exploitation in the legislature and with other advocates for the aging. In addition to legislative efforts, the state of California also address the burden and economic costs associated with Alzheimer's and other related disorders through its California Alzheimer's Disease Program (ADP) (California Department of Public Health 2017).

Funding

Recognizing its growing elder population, California has allocated funds to address issues pertaining to elders. As of 2011, California's Adult Protective Services (APS) program is funded entirely by individual counties. California's Department of Social Services maintains program oversight and funding and support for statewide training. For FY 2017, California's DSS granted APS a one-time $3 million budget allocation from the state's general fund to provide training to county APS workers, a significant increase to the $88,000 of general funding previously provided for APS training (County Welfare Directors Association of California 2016). Further, $201.5 million of the state's $170.9 billion was allocated to the state's Department of Aging in FY 2017 (California Department of Finance 2017; Public Policy Institute of California 2017).

Rationale for Research

California was selected for comparison because of the state's a comprehensive law on financial exploitation of the elderly requiring professionals who frequently interact with elders to identify signs of financial exploitation. The state's Financial Elder Abuse Reporting Act of 2005 is designed to protect elderly Californians from financial exploitation by deeming all employees of a financial institution as a mandatory reporter (Financial Elder Abuse Act 2005). The Act requires financial institutions to produce any evidence of exploitation, including the victim's personal information, signature, transaction records, and the dollar value of the funds or assets under suspicion in the 30 days before and after the suspected exploitation (Financial Elder Abuse Act 2005). The state also dictates a maximum civil penalty of $1000 for failure to report (Financial Elder Abuse Act 2005). In an effort to successfully implement the terms of this Act, California APS partnered with the U.S. Department of Justice and the California Bankers Association in providing training to the staff and officers of financial institutions (Callaway 2011).

Delaware

State Demographics

Elderly and Alzheimer's Affected Population

Delaware defines an "elderly" as an individual 60 years or older (Delaware Criminal Code 2016). In 2015, 22.1 percent of the state population was over the age of 60 (American Fact Finder 2015) and is projected to increase by 36 percent by 2025 (Delaware Population Consortium 2016). There are approximately 17,000 Delawareans who suffer from Alzheimer's and dementia-related diseases, a number expected to increase by 35.3 by 2025 (Alzheimer's Association 2016).

Political Climate

Democrats hold both the Delaware state house and governor's office. The Delaware State Senate is comprised of 11 Democrats and 10 Republicans and the Delaware House of Representatives is comprised of 25 Democrats and 16 Republicans (Delaware Legislature 2017). Governor John Carney was elected in 2016 and will serve a four year term (Delaware Legislature 2017). Neither the Delaware Legislature nor the Governor's Office presides over a special committee on elder affairs or Alzheimer's and dementia related diseases. The legislature passed legislation in 2015 requiring financial institutions and nursing home facilities to report suspected elder financial exploitation. This was signed into law by the governor on June 4, 2015 (National Conference of State Legislatures 2017).

State Aging, Abuse, and Alzheimer's Programs

State programming to address crimes of elder abuse are operated out of the State Attorney General's Office. The office oversees the Senior Protection Initiative, a program involving the state prosecutors, state administrative agencies, local enforcement, private organizations, and volunteers seeking to prevent elder abuse, financial exploitation, and financial scams through community outreach and education (Attorney General Matt Denn 2017). The initiative provides public education, law enforcement education, and operates multidisciplinary teams comprised of prosecutors, police, and social services representatives to promote awareness regarding elder abuse, neglect, and financial exploitation (Attorney General Matt Denn 2017).

Funding

For FY 2017, the state budget was $3.9 billion, and the Division on Aging's budget was $62.3 million. (Delaware Office of Management and Budget 2016). The FY 2017 APS budget, as well as the Senior Protection Initiative budget, was not provided within the larger state budget.

Rationale for Research

The state of Delaware was examined because of the priority placed on financial exploitation of the elderly, which is included in the state's advocacy on elder abuse. Attorney General Matt Denn has prioritized elder abuse awareness since taking office in 2015. On June 15, 2015, through the state's Senior Protection Initiative, he declared the day to be "Delaware Elder Abuse Awareness Day" (Attorney General Matt Denn 2017). Delaware citizens are encouraged to learn how to protect and nurture elderly citizens through statewide programs held during the day (National Conference of State Legislatures 2017).

Minnesota

State Demographics

Elderly and Alzheimer's Affected Population

The Minnesota Statute Code does not use the term "elderly", instead the state utilizes the phase "senior citizen". A senior citizen is defined as "a person who is 65 years of age or older" (Minnesota Statutes 2016).

In 2015, 19.8 percent of the state population was over the age of 60 (American Fact Finder 2015) and is projected to increase by eight percent by 2025 (Minnesota Department of Administration 2015). There are approximately 91,000 Minnesotans who suffer from Alzheimer's and dementia-related diseases, a number expected to increase by 31.9 by 2025 (Alzheimer's Association 2016).

Political Climate

Democrats hold both the Minnesota state Assembly and governor's office. The Minnesota State Senate is comprised of 33 Democrats and 34 Republicans and the Minnesota Assembly is comprised of 76 Democrats and 16 Republicans (Minnesota Legislative Reference Library 2017). Democratic Governor Mark Dayton was elected in 2011 and was reelected in 2016. (Minnesota Legislative Reference Library 2017). Although he is eligible to run for a third term in office, Dayton has announced that he would not (Kondik 2017). The Governor's Office presides over a special committee on elder affairs called the Minnesota Board on Aging (MBA), which consists of 25 board members appointed by the governor. The MBA researches and proposes policy solutions to address needs of the elderly. The MBA also administers funds from the Older Americans Act, which provides services to seniors (Minnesota Board on Aging 2017).

State Aging, Abuse, and Alzheimer's Programs

The legislature created the Alzheimer's Disease Working Group that functioned from 2009 to 2011, under Minnesota Board on Aging, to examine the needs of those diagnosed with Alzheimer's, services available, and the capacity of the state to meet future needs. This committee's research and findings culminated in a report to the Minnesota Legislature (The Alzheimer's Disease Working Group 2011).

From July 2015, the Minnesota Adult Abuse Reporting Center (MAARC) is the unit designated as the the common entry point to receive reports on abuse, neglect, and financial exploitation of vulnerable adults. As opposed to making a complaint in an individual county common entry point, this is a statewide adult abuse reporting line (Minnesota Department of Health 2017). Having a common entry point will also aid the state in collecting and analyzing data and reports. The center operates 24-hours a day, seven days a week. Once a case is reported via MAARC, one of the three agencies lead the investigation: Department of Health, Department of Human Services or county social service agency (Minnesota Department of Human Services 2017).

Minnesota's APS was one of 13 APS agencies to have been awarded a grant by the Administration for Community Living. This grant was specifically awarded to enhance Minnesota's current data collection system to capture data on maltreatment risk of vulnerable adults (Minnesota Department of Human Service 2017)

Funding

In FY 2017, the state budget was $28 billion, and the Department of Human Services budget was $11.8 billion (Office of Minnesota Management and Budget 2016). Minnesota's Aging and Adult Services are administered by The Continuing Care Administration, which administers Minnesota's publicly funded long-term care programs and services for people with disabilities, older Minnesotans, and their families. The Continuing Care Administration oversees services to over 400,000 people annually with a value of more than $3.6 billion each year in state and federal funds (Minnesota Department of Human Services 2016). The budget for Aging and Adult Services was not specified in the 2016-2017 Minnesota Biennial Budget.

Rationale for Research

Minnesota was chosen because it has specific statutes on financial exploitation and has a governor-appointed multidisciplinary committee that studies elder issues. Minnesota has an expansive definition:an individual who is not in a facility-based setting or receiving home care is still considered to be vulnerable (Hansen et al. 2016).

A governor appointed committee called the Minnesota Board on Aging (MBA), is a multidisciplinary team consisting of 25 board members. This committee was first established in 1956 with the mission to "ensure that older Minnesotans and their families are effectively served by state and local policies and programs—in order to age well and live well" (Minnesota Board on Aging 2017). Apart from listening to concerns that seniors are facing, MBA researches for solutions and proposed policy to address issues seniors are faced with (Minnesota Board on Aging 2017).

Missouri

State Demographics

Elderly and Alzheimer's Affected Population

Missouri defines "elderly" as any individual over the age of 60 (Missouri Civil Code 2014). In 2015, approximately 15 percent of the population was considered elderly (American Fact Finder 2015) and is expected to increase by 4.1 percent by 2025 (Administration on Aging 2014). The Alzheimer's and dementia-affected population in Missouri for 2016 totals 110,000 individuals and is expected to rise by 18.2 percent by the year 2025 (Alzheimer's Association 2016).

Political Climate

Republicans control Missouri's legislature and governor's office. The Missouri State Senate is comprised of 6 Democrats and 26 Republicans and the Missouri House of Representatives is comprised of 46 Democrats and 117 Republicans (Missouri Senate 2017; Missouri House of Representatives 2017). Governor Eric Greitens was elected in 2016 and will serve a four year term (Houts 2017). Neither the Missouri Legislature nor the Governor's Office presides over a special committee on elder affairs or Alzheimer's and dementia related diseases.

State Aging, Abuse, and Alzheimer's Programs

Missouri's elder financial exploitation policies and programming are supported by detailed definitions of financial exploitation, as well as a set of state programs developed to prevent and detect financial exploitation. The Licensing and Regulations Division of the Missouri Department of Health and Senior Services is charged with oversight of Adult Protective Services, an agency performing investigations of financial exploitation of the elderly (Missouri Department of Health and Human Services 2017). Missouri DHSS (2017) also operates a program entitled MOSAFE, or Missourians Stopping Adult Financial Exploitation, created by law in 2009. MOSAFE is dedicated to providing educational materials on detecting and combating exploitation for consumers and financial institutions. This program operates under the Department's Division of Senior and Disability Services (Missouri Department of Health and Human Services 2017).

Funding
For FY 2017, the Missouri state budget totaled $27,322,994,885, with the budget allocation for the Division of Licensing and Regulations totaling $25,530,052 (Missouri Division of Budget and Planning 2016).The state's Division of Senior and Disability Services totaled $86,083,975 (Missouri Division of Budget and Planning 2016).

Rationale for Research
The state of Missouri was examined because of the similar political climate to Texas and provision of detailed policies surrounding financial exploitation. Missouri's elder financial exploitation policies and programming are supported by detailed definition of financial exploitation and a dedicated initiative developed to prevent and detect the issue. However, evidence supporting the effectiveness of these measures are unavailable, leaving the Missouri model largely untested.

New York

State Demographics

Elderly and Alzheimer's Affected Population
New York defines an "elderly" as an individual 60 years or older (NYSOFA n.p.). In 2015, 20.9 percent of the state population was over the age of 60 (American Fact Finder 2015) and is projected to increase by 11 percent by 2025 (Cornell University 2011). Of the total population, 390,000 individuals in New York suffer from Alzheimer's and dementia-related diseases, a number expected to increase by 17.9 percent by 2025 (Alzheimer's Association 2016).

Political Climate
Democrats hold the New York state Senate and Governor's office. The New York State Senate is comprised of 32 Democrats and 31 Republicans, and the New York State Assembly is comprised of 62 Democrats and 106 Republicans (New York State Assembly 2017a; New York State Senate 2017a). Democratic Governor Andrew Mark Cuomo was re elected in 2014 and is up for reelection in 2018 (Office of Governor Andrew Cuomo 2017).

State Aging, Abuse, and Alzheimer's Programs
Both state legislatures have committees serving to address issues on aging. The Senate standing Committee on Aging, comprised of seven Democrats and four Republicans, addresses matters concerning elder abuse by identifying best practices in education and prevention; evaluating the effectiveness of existing systems that prevent and respond to elder abuse; and identifying system gaps and exploring possible remedies (New York State Senate 2017b). The New York Assembly subcommittee on Outreach and Oversight of Senior Citizen Programs was developed to understand the causes, risk factors, and impact of poverty among senior citizens in New York, but has remained inactive since November 2015 (New York State Assembly 2017b).

The state's executive branch also oversees issues related to aging. The New York State Office for Aging (NYSOFA) was created in 1961 by a governor's executive and was one of the first state units on aging in the nation (NYSOFA 2012). The agency serves as one of the principled advocates for New York elders age 60 and older and administers programs funded under the federal Older Americans Act and a variety of state-funded programs. A local office can be found in every county in New York.

Funding
For FY 2017, the overall state budget was $155.6 billion, and the Office for the Aging's budget was $265,300,000 (New York State 2016; The New York State Senate 2016). The FY 2017 APS budget was not provided within the larger state budget.

Rationale for Research
Unlike other states, New York does not mandate reporting of elder abuse but has demonstrated a commitment to addressing elder financial exploitation and its broader societal effects. In 2016, the state released the New York State Cost of Financial Exploitation Study, one of the most comprehensive studies to quantify both the financial and the non-financial costs of financial exploitation of vulnerable adults. This study includes the largest number of Adult Protective Services (APS) financial exploitation cases to date in any single state and estimates annual personal and state costs of financial exploitation (Huan and Lawitz 2016).

Washington

State Demographics

Elderly and Alzheimer's Affected Population
Washington defines "elderly" as an individual 65 years or older (Revised Code of Washington 2016). In 2015, 19.7 percent of the state population was over the age of 60 (American Fact Finder 2015) and is projected to increase 46.1 percent by 2025 (American Fact Finder 2015). There are approximately 100,000 Washington citizens who suffer from Alzheimer's and dementia-related diseases, a number expected to increase by 40 by 2025 (Alzheimer's Association 2016).

Political Climate
Democrats hold both the Washington Legislature Assembly and Governor's office. The State Senate is comprised of 23 Democrats and 23 Republicans and the State Assembly is comprised of 50 Democrats and 48 Republicans (Washington Legislature 2017). Democratic Governor Jay Inslee has served as the 23rd Governor of Washington since January 2013. He was reelected in 2016 (Washington Legislature 2017). Members of both the Senate and Assembly preside over the Joint Legislative Executive Committee on Aging and Disability Issues. The Joint Legislative Executive Committee on Aging and Disability Issues was established in accordance with 2013-15 operating budget. One policy recommendation that this committee made was to review and revise abuse prevention and response system related to elder abuse and financial exploitation, reduce investigative redundancies, and promote inter-jurisdictional coordination and communication (The Joint Legislative Executive Committee 2016).

State Aging, Abuse, and Alzheimer's Programs
In November 2016, Governor Inslee signed Initiative 1501, a measure increasing criminal identity theft penalties and expand liability for consumer fraud that affects vulnerable individuals and the elderly (Initiative 1501 2016). The measure increased civil penalties for consumer fraud that targets a senior or vulnerable individual. Any person who commits consumer fraud that targets such individuals would be subject to civil penalties of three times the amount of the actual damages.

Funding
The 2015-2017 biennial budget for Washington was $79.6 billion, and the Aging and Adult Service's budget was $4.49 billion (Aging and Long Term Support Administration 2017).

Rationale for Research
The capstone examined Washington because of the recent passing of Initiative 1501 and its two state plans: Washington State Plan to Address Alzheimer's Disease and Other Dementias and a Strategic Metrics plan for measuring goals and their outcomes. These plans help the state understand the extent of Alzheimer's. Alzheimer's is the third leading cause of death in Washington and to address this, the Alzheimer's state plan, collaborating with public and private entities, outlines the goals and strategies to address this growing problem (Washington State Plan 2016).

Comparative Table: Budgets, Population and Politics

A demographic comparison of the ten states our team analyzed reveal information regarding budgets, populations, and politics.
A comparative analysis of the state demographics shows that among peer states, Utah has the largest percent budget for its elder affairs office and projected growth in elderly population; Florida has the largest number of elderly and number suffering from Alzheimer’s disease; and Florida also has the largest projected growth in those suffering from Alzheimer’s disease (see Figure 1).

Among non-peer states, Washington has the largest percent budget for its elder affairs office; Delaware has the largest number of elderly and projected growth in elderly population; California has the largest number suffering from Alzheimer’s disease; and Washington has the largest projected growth in those suffering from Alzheimer’s disease (see Figure 1). The following section provides the codes used for each variable in the comparative analysis table:

Table 2: Codebook	
Variables	Code
Peer State	Y = Yes; N = No
Special Committee	Y = Yes; N = No
Special Committee	G = Governor's Office; L = Legislative Committee
Governor	R = Republican; D = Democrat
Senate	R = Republican; D = Democrat; B = Evenly Split Representation
Assembly/House	R = Republican; D = Democrat; B = Evenly Split Representation
Location of Legal Definitions	H = Human Resources Code/Welfare Code; S = Revised Code/Compiled Code/Consolidated Code/State Code; C = Criminal Code; M = Multiple Codes; U = Unknown
Location of Legal Penalties	H = Human Resources Code/Welfare Code; S = Revised Code/Compiled Code/Consolidated Code/State Code; C = Criminal Code; M = Multiple Codes; U = Unknown
Mandated Reporting	Y = Yes; N = No; U = Unknown
Penalties for Not Reporting	Y = Yes; N = No; U = Unknown

Texas, Washington, Utah and Missouri maintain the largest elder office or department budgets relative to their state budgets. Missouri and Washington state governments are currently held by Democrats. Each state has an elderly population over 15 percent of the total population. Each peer state requires mandatory reporting and includes penalties, whereas Texas does not.

Figure 1: Comparative Analysis

	Texas	Utah	Florida	Kentucky	Michigan	New York	Minnesota	Missouri	Delaware	Washington	California
Peer State		Y	Y	Y	Y	N	N	N	N	N	N
Special Committee	Y					Y	Y	N	N	Y	Y
Special Committee	L					L	G			L	L
Governor	R					D	D	R	D	D	D
Senate	R					D	R	R	B	B	D
Assembly/House	R					R	D	R	D	D	D
Location of Legal Definitions	H	S	H	S	S	H	S	S	M	S	M
Location of Legal Penalties	C	S	C	S	S	S	S	S	M	U	C
Mandated Reporting	Y	Y	Y	Y	Y						
Penalties for Not Reporting	N	Y	Y	Y	Y						
State Budget (FY 2016)	$ 106,052	$ 676	$ 82,285	$ 10,328	$ 54,000	$ 155,600	$ 28,000	$ 27,322	$ 3,900	$ 79,600	$ 170,900
Office/Department designated to provide services to the elderly (FY 2016)	$ 4,497	$ 22	$ 311	$ 70	$ 101	$ 256	$ 11	$ 862	$ 62	$ 4,496	$ 201
Percent of Total Budget	4.24%	3.25%	0.38%	0.68%	0.19%	0.16%	0.04%	3.15%	1.59%	5.65%	0.12%
Percent of pop over age 60 (2015)	16%	14.9%	24.8%	20.5%	21.3%	20.9%	19.8%	15%	22.1%	19.70%	18.70%
Project Growth by 2025	20%**	44%	40.2%**	6%	18%	11%	8%	4.1%	36%	17.4%*	9.5%
Number of People Suffering from Alzheimer's and dementia-related diseases (2016)	350,000	30,000	510,000	69,000	180,000	390,000	91,000	110,000	17,000	100,000	610,000
Project Growth by 2025	40%	40%	41.2%	25%	22.2%	17.9%	31.9%	18.2%	35.3%	40%	37.7%

All dollar amounts are in 100,000s

*population age over 65

**projected growth of elderly is for year 2030

Dataset B: State Cost Study Methodology

Elder financial exploitation can have a detrimental personal and economic impacts, “shifting the financial burden of care from the individual to the government” (Colby 2012, 490). Victims experiencing financial hardship resulting from stolen monetary or physical assets rely on state-offered social services for food, medical care, and housing, placing a strain on state expenditures. Only two states--Utah and New York-- have conducted research to measure the cost of elder financial exploitation on both the victim and the state. The 2011 Utah study of individual losses served as the model for the 2016 study in New York, which expanded on Utah’s study estimating individual losses to estimate both the individual and economic costs of financial exploitation. The research methodology used in Utah and New York to estimate costs can provide Texas with a foundation for future research. The data collection and analysis methods used in these studies present information about estimating the prevalence and cost of elder financial exploitation in Texas. These descriptions outline the purpose of each study; the variables used to measure prevalence and fiscal impact; the results and effects on each respective state; and the study’s costs and limitations.

UTAH

The Utah Cost of Financial Exploitation Study was a two-phase study conducted in 2011 by Jilenne Gunther, MSW, JD of the Utah Division of Aging and Adult Services. Her charge was to examine the financial losses of the state and Utah seniors aged 60 years and above. The report serves as a tool to inform policymakers of the issue and help local adult protective services programs better address financial exploitation through targeted prevention (Gunther 2011).

The first phase of the study sought to estimate financial losses resulting from cases of exploitation. In doing this, researchers collected information from fifty-two financial exploitation cases validated by the state’s APS agency, as well as open source data resources to produce property value and estimations. These sources included Kelly Blue Book, real estate websites Zillow and Trulia, classified advertisements, life expectancy tables, and consultations conducted with local pharmacists (Gunther 2011).

The study also explored variables surrounding an alleged case of exploitation. To predict potential costs of financial exploitation, the researcher studied various sources, including case referrals, the perpetrator’s relationship to the victim, the type of financial exploitation, the method used by the perpetrator, and the relationship between the vulnerabilities and/or impairment of a victim and the level of exploitation. Other factors also considered included a victim’s cognitive impairment, as well as necessity in assistance in financial matters (Gunther 2011).

The study yielded findings providing greater insight of the costs and causes of elder financial exploitation in Utah. Results indicated that the dollar amount loss per case ranged between $132 to $445,722, with an average loss of $91,658. Moreover, the study found that perpetrators exploit more out of seniors with mental impairment, dementia, memory issues, and those who need assistance with finances. Victims of dementia, in particular, were exploited almost 50 percent more than those without dementia ($117,414 compared to $81,216). In all, the study reported a "conservative" range of individual losses suffered by the state's elderly population estimated between $48 million and $210 million annually (Gunther 2011).

The study's authors noted a set of limitations experienced in the research process, namely data constraints. Foremost, reports made by financial institutions were not included in the study and cases that did not have enough evidence to be supported or validated by APS were not examined. Furthermore, claims of scams and various forms of fraud are not typically referred to APS were not included in the cases examined. As a result, the total cost of exploitation could be higher than estimated in the study. Finally, the researcher noted a "substantial" amount of cases that go unreported, which were left out of the total cost estimate. This additional limitation in research also contributes to a potentially greater estimation of individual losses (Gunther 2011).
There were no direct costs for conducting the three-month study. Since the study's publication, the state has taken measures to make elder financial exploitation a policy priority. The results of this study have proven beneficial to the state's provision of adult protective services agencies as the state legislature had previously considered eliminating the agency. After review, the economic costs to the state of forgoing APS were too high for the legislature to eliminate the agency. Other factors, including the prevalence of elder financial exploitation among the Alzheimer's-affected population also highlighted the agency's importance. Furthermore, the statistics regarding victims with dementia and Alzheimer's further highlighted the importance of training bank employees to detect those with financial capacity issues. The results of the study prompted the Utah Governor, Gary Herbert, to promote the issue and served as a foundation for New York's most recent financial exploitation study.[7]

NEW YORK

The New York State Cost of Financial Exploitation Study was conducted in 2016 by Yufan Huang and Alan Lawitz, researchers at the New York Office of Children and Family Services (OCFS). The study, expanding on the model utilized in Utah, was a multi-agency effort to research the "fiscal impact" of financial crimes against the elderly to state social service providers, benefit programs, and victims of financial exploitation. Further, researchers sought to collect information on the forms of exploitation reported to the state's APS agencies; sources of referrals; victim health characteristics; perpetrator characteristics; and methods of exploitation, outcomes of investigations, and the impact on victims (Huang and Lawitz 2016).

The researchers studied 928 cases of elder financial exploitation gathered from 31 of the state's 58 social services districts, as well as Lifespan of Greater Rochester, Inc., a nonprofit elderly service provider. Lifespan and 19 (out of the 31) participating districts submitted nine months worth of financial exploitation cases to the study's sample size. The other 12 districts encompassing more populated areas of the state submitted a randomized sample of cases reported over the previous nine months. The total sample size for the study was 928 cases (Huang and Lawitz 2016).

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[7] Jilenne Gunther MSW, JD. Legal Services Developer, Utah Division of Aging and Adult Services. Email Correspondence on February 8, 2017.

Districts that provided referrals for the study provided information from a 24-question case review instrument designed to produce the "case characteristics and outcomes and fiscal impacts" of a suspected case of financial exploitation. Separate data elements were collected if a case was concluded to be verified by an APS caseworker. All cases of suspected financial exploitation included information regarding the victim's demographics, health, vulnerabilities, and daily functioning, as well as a victim's use of public benefits and community-based services and any legal action taken. Only cases of validated financial exploitation contained information on "the nature of the alleged exploitation, the identity of the perpetrator, and the nature and value of the assets taken when sufficient evidence existed that the alleged exploitation had indeed occurred," (Huang and Lawitz 2016).

Upon collecting and coding the data provided by participating APS districts, the researchers estimated the losses associated with financial exploitation to service agencies, public benefit programs, and individual victims. Service agency costs were defined as "services provided directly by APS or other community based agencies," including assistance in obtaining public benefits, legal services, financial management, and medical attention. To estimate costs to social service agencies, the researchers obtained records of agency staff and wages, as well as service costs from law enforcement, district attorneys' offices, and the New York Offices of Aging and Temporary and Disability Services. Public benefit costs were defined as the valuation of benefits provided to a victim through programs, such as Medicare or public housing assistance. The costs of assisting the victim in procuring public benefits were included in service agency costs. In cases of verified financial exploitation, victim losses were defined as items and assets taken from victims. If the exact value of the monetary or physical asset lost was unknown, the caseworkers were to provide descriptive factors of the stolen property. Researchers used real estate and property valuation websites like Kelly Blue Book, Zillow, and the Property Assessment Directory to valuate the lost property based on the caseworker's description (Huang and Lawitz 2016).

The researchers then conducted a four-level fiscal analysis of the value of service costs, public benefit costs, and victim losses from the cases submitted by the participating districts. After computing the documented total costs and losses from the 928 submitted cases, the researchers computed the adjusted full costs and losses for the counties where full information on casework or social services and public benefit cost estimates were not available. Statewide estimates were computed through a matching process, where non-participating counties were paired with participating counties based on demographic similarity--that is, total population, median household income, and average population age. Costs and losses in non-participating counties were calculated to equal costs and losses in participating counties (Huang and Lawitz 2016).

This process allowed the researchers to compute the fiscal impacts to state service agencies, public benefit system, and individual victims, amounting to an annual fiscal impact of $123.6 million in costs and losses. Of that total, the researchers estimate $6.2 million in costs are incurred by service agencies with an additional $8.2 million in costs incurred by public benefit systems. Victims losses account for the majority of the total: $109 million a year. The researchers also sought to estimate the costs of cases not reported to APS or other agencies, a number estimated between ten percent and 44 percent greater than annual reported cases. By multiplying the victim losses resulting from cases reported annually to APS by a factor of .10 and .44, the researchers were able to estimate total annual victim losses between $351.6 million and $1.5 billion. The researchers did not conduct similar calculations for service agency and public benefit costs (Huang and Lawitz 2016).

Aside from providing an estimate of the fiscal impact of financial exploitation, the study's results also provided insight regarding the prevalence of financial exploitation among elders and the predominant characteristics of reported cases. Researchers reported that in 60 percent of referrals, family members or spouses and partners were perpetrators, with monetary assets being the largest source of loss. APS services accounted for the majority of service agency costs to victims, while Medicare and Supplemental Nutrition Assistance Program (SNAP) benefits were found to be the public benefits most frequently utilized by victims as a result of exploitation. Initial results provided by the sample size noted that 19 percent of cases resulted in financial impoverishment and 54 percent of cases involved a victim suffering from a mental impairment and/or a form of dementia (Huang and Lawitz 2016).

The researchers noted limitations in their study similar those noted in the Utah study. However, data challenges encountered in this study were surmounted by mathematical approaches to estimating total costs and losses. Since many financial exploitation cases are not reported to APS or law enforcement agencies and 27 APS districts did not report data for study, the researchers had to develop mechanisms to account for this missing data in their estimate. The matching technique and multiplication method of accounting for unreported cases assisted in confronting the limitations of studying elder financial exploitation, but, as the researchers noted, did not completely alleviate data limitations. As a result, projections of total statewide costs and losses may be greater than estimated (Huang and Lawitz 2016).

Costs incurred by the state from conducting the 12-month study are unknown, but have compelled New York State to direct more resources to preventing, detecting, and investigating elder financial exploitation. Furthermore, OCFS was endowed with a $300,000 federal grant "to improve financial exploitation investigations and data collection" (Office of Children and Family Services 2016). The enhanced system will also conform state data collection to the federal APS data system in an effort to standardize data for future cost studies. Other funding has been earmarked to improve reporting and recording systems to "better gather data on the costs of financial exploitation as well as the characteristics of victims and perpetrators" (Office of Children and Family Services 2016). The following section will discuss existing Texas policy on elder financial exploitation, as well as the designated state and local entities dedicated to investigating this crime.

Texas Overview

Like numerous other states, the political and policy environment in Texas is largely unfocused on the issue of elder financial exploitation. Existing statutes, protective services, and mechanisms for prosecution and civil recourse reflect a unsystematic approach to protecting a growing set of potential victims to a common crime. This section will provide an overview and analysis of Texas elder financial exploitation statutes, the process for reporting and investigating suspected cases, and the mechanisms for prosecuting elder financial exploitation. This section will also analyze the ideologies driving the state's government, conditions determining future APS appropriations, and proposed legislation regarding elder financial exploitation.

DEMOGRAPHICS

Approximately 4.2 million Texans were over the age of 60 in 2015, accounting for approximately 16 percent of the state's total population; this population is expected to expand by an additional four percent by 2030 (American Fact Finder 2015; Texas Demographic Center 2016). The Alzheimer's Association (2016) estimates 350,000 Texans are affected by Alzheimer's disease, making the state home to the 4th largest Alzheimer's-affected population. The Alzheimer's-affected population is also projected to increase by 40 percent within the next decade (Alzheimer's Association 2016).

REPORTING REQUIREMENTS AND LEGAL DEFINITIONS

Elder financial exploitation is addressed in the Texas Human Resources code, which provides reporting requirements and a criminal definition. The state defines financial exploitation as "illegal or improper act or process of a caretaker, family member, or other individual who has an ongoing relationship with an elderly person or person with a disability that involves using, or attempting to use, the resources of the elderly person or person with a disability, including the person's social security number or other identifying information, for monetary or personal benefit, profit, or gain without the informed consent of the person" (Texas Human Resources Code 2013). This law considers "elderly" to be anyone over the age of 65 and a "person with a disability" to be anyone with a "mental, physical, or intellectual or developmental disability that substantially impairs the person's ability to provide adequately for the person's care or protection" (Texas Human Resources Code 2013).

According to the Texas Human Resources Code (2013), every Texan is mandated to report suspected crimes of elder financial exploitation to the state's APS agency. The state's mandatory reporting requirement for all residents does not provide specific language requiring reporting of suspected financial exploitation, nor does it require financial institutions to report suspected cases of financial exploitation (Johnson 2013).

TEXAS ADULT PROTECTIVE SERVICES (APS)

Allegations of suspected financial elder exploitation are investigated by Texas APS, given the suspected victim is eligible for services and the suspected exploitation meets the state's definition for exploitation. These investigations are conducted separately from law enforcement offices.

Texas APS addresses allegations of adult abuse, neglect, and exploitation according to a priority system of four levels. Reported suspected cases are organized by the "severity and immediacy of alleged threat to the life or physical safety of the alleged victim" (Texas APS In-Home Investigations Handbook 2016).While an investigation must be opened within 72 hours of an allegation, initial contact is made based on the priority level assigned. A priority one requires initial contact (face-to-face) within 24 hours; a priority two requires initial contact within three days; a priority three requires initial contact within seven days; and a priority four requires initial contact within 14 days. An investigation's priority level can change before the initial contact step, but not after face-to-face contact is made.

In Texas, financial exploitation is considered a priority level four, where reports reflect "allegations of financial exploitation when there is no danger of imminent impoverishment or deprivation of basic needs" (Texas APS In-Home Investigations Handbook 2016). Only if an alleged victim is subject to losing all assets, then a higher priority is given.[8] In 2016, 4,324 APS intakes reflected priority IV cases, 856 were deemed validated cases of financial exploitation (Texas Department of Family and Protective Services 2016).

After a priority response time is assigned to an allegation, caseworkers assess the report to assure the validity of its claims. The caseworker examines the current risk factors for the victim, including their ability to understand the risks associated with the allegation. APS considers the actions, motives, and status of an alleged perpetrator in determining the validity of a case of alleged financial exploitation. In order for a financial exploitation case to be validated, evidence available to APS must establish an alleged victim's resources are being used for the monetary or personal benefit, profit, or gain of an alleged perpetrator (Texas APS In-Home Investigations Handbook 2016). In addition to this, APS must be able to prove that an alleged victim did not give their informed consent to the action taken by an alleged perpetrator. In cases involving theft, APS will only investigate a case if the alleged perpetrator is a paid caretaker (Texas APS In-Home Investigations Handbook 2016). Other cases involving family members or others with ongoing relationships with the alleged victim are referred to law enforcement and are not investigated by APS (Texas APS In-Home Investigations Handbook 2016). Under the circumstance that an alleged victim's resources have been depleted or mismanaged to the extent they are prevented from accessing the necessary resources to avoid further harm, APS can consider validating other allegations including neglect (Texas APS In-Home Investigations Handbook 2016).

Establishment of these criteria is essential to the progression of a case through the justice system. If a report is found to be invalid or allegations are unable to be determined, then the case is

[8] Amanda Jenkins, Regions 7 Program Administrator, Texas Adult Protective Services. Phone interview on November 9, 2016.

closed. If a case is validated, then the victim is notified, and if the victim consents to the report, the caseworker develops a service plan that meets the needs of the elder. If substantial criminal activity is found, then law enforcement is notified, even in cases where an alleged victim does not consent to the report. Law enforcement officers then conduct their own separate investigation and determine whether the case will be taken to the District Attorney. Because financial exploitation cases can be difficult to investigate, they are often prosecuted as “theft” rather than “financial exploitation.” Thus, the number of validated financial exploitation cases found by APS may be underestimated during the prosecution process.[9]

DISTRICT ATTORNEYS IN TEXAS

Because Texas does not collect data on statewide prosecuted claims of financial elder exploitation, informational interviews with representatives of the Texas Fort Bend and Harris County District Attorney's Offices were conducted. These counties were selected for analysis because of their variance in population demographics. Harris County is home to state’s largest elderly population, and reported 1,639 allegations of financial exploitation in 2016, the largest in the state (Texas Department of Family and Protective Services 2016). Fort Bend County, an area just south of Harris County, is a more rural area.

Fort Bend County[10]

Fort Bend County District Attorney’s Office classifies crimes of financial exploitation as an economic crime, or any criminal offense regarding theft, forgery, or fraud. When reviewing a case of elder financial exploitation, the office will consider whether all the legal elements of an economic crime, including financial exploitation, have been committed. If so, then the case is prosecuted using the easiest and harshest penalty possible. Usually, these are charges of forgery and fraudulent use of identification because they maintain specific punishments in the statute and a larger range of felony punishments than charging for financial exploitation alone. While there exists no state statute requiring local authorities to maintain personnel dedicated to criminal cases of financial exploitation, larger District Attorney offices often utilize specialized personnel.

The office does work with other governmental entities and private organizations when investigating an economic crime. Often, this occurs in the form of coordination with doctors to get expert opinions, especially when cognitive impairment seems apparent. The office only works with financial institutions when issuing subpoenas for bank statements and back-records. Only rarely does the office seek contact with APS offices unless they require information on previous allegations or reports of a perpetrator. Reports and allegations of economic crimes against the elderly almost always come from local law enforcement.

In 2014, Fort Bend County reported 3,085 felony cases of economic crimes; 58 of those were perpetrated against elderly. In 2015, the county reported 3,196 felony cases of

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[9] Amanda Jenkins, Region 7 Program Administrator, Texas Adult Protective Services. Phone interview on November 9, 2016.

[10] W. Scott Carpenter. Assistant District Attorney. Fort Bend County District Attorney’s Office. Phone interview on February 15, 2017.

economic crime; 54 of those were perpetrated against elderly. In 2016, the county reported 3,213 felony cases of economic crime; 23 were perpetrated against elderly. None of the crimes against the elderly were prosecuted until 2016 when six charges were brought against two people.

Harris County[11]

Harris County does not classify all cases of suspected elder financial exploitation in accordance with Texas statutes. Cases are reviewed and classified as a charge with either the greatest penalty or prosecution rate, which could be charges like theft or larceny. As a result, data on all of the county's financial exploitation cases may be underrepresented, as reports of exploitation may have been charged as another type of crime. To further complicate the data collection, law enforcement may not indicate a crime has been perpetuated against an elder and the office does not collect data on prosecution outcomes.

When the office decides to prosecute a case, attorneys look at whether the case meets all the elements of a crime. Because exploitation is harder to prosecute and prove, it is likely that attorneys will prosecute cases as theft, which carries a harsher punishment than financial exploitation. For financial exploitation cases, attorneys not only have to prove that an offense took place, but they also need to prove the perpetrator intended to benefit from the exploitation. It is only beneficial to prosecute as exploitation if it is a lower dollar amount type of case. Moreover, the law is relatively new and convoluted, which complicates the prosecution process.

The Harris County District Attorney's Office created the Elder Exploitation Section in 2014 to address the needs of the county's growing elderly population. However, the section does not keep record of every elder abuse call or case they receive; instead, they only file cases that are prosecuted, assuming such allegations meet the legal elements of a crime. In 2015, there were 21 credit card felony cases filed; 17 forgery cases; and three missed fiduciary duty applications.

In regards to coordination partnerships, the Harris County District Attorney Office will often reach out to law enforcement and APS when records are needed. Recently, Harris County received a grant to create a new Senior Justice Assessment Center. The center will assess and develop interventions for seniors suspected of being abused, neglected, exploited, or experiencing self-neglect. It is also intended to improve elder abuse data collection, inter-agency elder abuse collaboration, and public transparency on elder abuse. The Office of the Governor's Criminal Justice Division awarded a $383,000 Victims of Crime Act grant to Harris County Protective Services for this new center, which will combine the resources and data of Harris County Police Service, APS, Houston Police Department, Harris County District Attorney's Office, the Harris County Sheriff's Office, Harris County Attorney's Office, and the University of Texas Health System. They are scheduled to launch in spring of 2017.

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[11] Mary McFaden. Chief of Elder Exploitation. Harris County District Attorney. Phone interview on February 20, 2017.

The next section will discuss the political environment in Texas and legislation introduced during the 85th legislative session (2017) to clarify existing law and to prevent elder financial exploitation in the state's growing elderly population**.**

TEXAS POLITICAL CLIMATE

Political climate is the current mood and opinions of a political society and the population. It is how a social and political environment is perceived by the public (Governing Texas 2013). Public sentiment and opinion can impact or shift what is valued by society and legislators (Meier 2017). Actions of political decision-makers, societal events, and social change movements can directly influence political climate (Meier 2017). Political climate establishes the outer limits of what is possible or even probable in a political realm- meaning which legislation or budget allocations are likely to be approved by elected officials. The following section provides context to the legislative environment in which any policy alternatives would be introduced through an analysis of historical legislation and legislation currently under consideration regarding elder abuse and elder financial exploitation. This section discusses the current Texas political climate and political factors with a potential influence on the existing state policies surrounding elder financial exploitation.

Texas political culture is characterized by three common ideological tendencies: economic liberalism (faith in the "free market" economy) combined with social conservatism (favoring traditional values and moralism), overlaid with populism (promoting the rights and worthiness of ordinary people) (Governing Texas 2013). These ideological tendencies are shown in a dominant political culture that tends to favor low taxes, low government services, and pro-business policies (Texas Liberal Arts 2017). Legislators representing these ideologies face the decision of protecting autonomous rights and the privacy of the elderly or supporting policies involving banking and other financial institutions. "Republican legislators are historically unsupportive of more socialist oriented programs and have a 'low taxes, low services' approach to government (Texas Liberal Arts 2017; Governing Texas 2013).

Texas is led by the Republican Party in both the executive and legislative branches. Governor Greg Abbott was elected to his first term in 2014; the next statewide election is in 2018 (Office of the Governor 2016). The current 85th Texas Legislature is comprised of 31 senators and 150 representatives from across the state (Texas House of Representatives 2017; Texas Senate 2017). The Senate consists of 11 Democrats and 20 Republicans and the House is represented by 55 Democrats and 95 Republicans (Texas House of Representatives 2017; Texas Senate 2017). Neither chamber convenes a special committee on aging, Alzheimer's, or Adult Protective Services (Texas House of Representatives 2017; Texas Senate 2017). Republican voters also make up a majority of the state's electorate, as 52.7 percent voted Republican in the 2012 general election (Texas Secretary of State 2017).

Political ideologies and power struggles can impact the budget and result in negative consequences for agencies, such as APS. With the state economy still recovering from an oil-drilling slowdown, Texas' Governor Greg Abbott imposed a hiring freeze on state agencies through the end of August (Garrett 2017). The freeze prohibits agencies, including APS, from posting new jobs or filling ones that are currently vacant (Abbott 2017). The Department of Family and Protective Services (DFPS) is exempt from the hiring freeze to allow reform efforts to continue for the state's foster care system and Child Protective Services to continue (Garrett 2017). Currently, each APS In-Home Investigation caseworker handles an average of 31.5 cases per day, with 1,006 full time equivalent positions budgeted in 2015 (General Appropriations Act 2015). The number of corresponding caseloads in Texas remains above the national recommended caseload of 25 per case worker (Texas Health and Human Services Commission 2010).

The 2015-2017 General Appropriations Act (2015) allocated $72.8 million in fiscal year 2016 and $73.2 million in fiscal year 2017 to the state's APS agency. This accounted for approximately 4.2 percent of the total budget for the Department of Family and Protective Services, which also oversees Child Protective Services, child care licensing, and the state's adoption and foster care system (General Appropriations Act 2015). Programming for the state's increasingly aging population is provided by the Texas Department of Aging and Disability Services. The agency's budget will account for an average of 4.22 percent of the state's total operating budget for 2016 and 2017, receiving $4.3 billion in fiscal year 2016 and $4.5 billion in 2017 (General Appropriations Act 2015). In the fiscal years of 2016 and 2017, the total state budget amounts to state of Texas $106 million and $103 million, respectively (General Appropriations Act 2015).

For fiscal year 2018-2019, Abbott proposed a Texas budget of $213.3 billion, including federal funds (Garrett 2017). The proposed budget prioritizes "safety and security, fosters educational advancement, economic opportunity, and defending the freedom and liberty of all Texans" (Abbott 2017). It also includes an additional $500 million for DFPS so that it can implement key reforms such as increasing the number of caseworkers, increasing compensation levels, and increased training for those who make direct contact with children. This additional funding does not include APS initiatives (Abbott 2017). The statewide hiring freeze prevents APS from hiring or replacing vacant positions until early September.

While elder financial exploitation is not a defined policy priority of Governor Abbott, it has been addressed by several Texas legislators. The issue was specifically addressed in an Interim Report of the Senate Committee on Business and Commerce to 85th Legislature shortly before session began. The December 2016 report compiled by Committee throughout 2016 included a recommendation to examine elder financial exploitation and to establish direction for the state to protect and prevent the occurrence protect older Texans from financial exploitation (Texas Senate Committee on Business and Commerce 2016).

The report addressed past legislation on financial exploitation, noting that in lieu of the "industry preference to work on a full package of elderly financial protection," a smaller piece of legislation passed allows banks to remit account holdings to the state Comptroller after three years of inactivity (Texas Senate Committee on Business and Commerce 2016), The recommendation notes the policy actions to prevent and detect financial exploitation taken by states such as California, Washington, Delaware, and Missouri, and details "best practices to consider" when proposing legislation regarding mandatory reporting of financial exploitation (Texas Senate Committee on Business and Commerce 2016).

Testimony from stakeholders in state and local government agencies as well as private interest groups and industry was also included in the recommendation. Representatives of Texas APS, the Texas State Securities Board, the American Association of Retired Persons (AARP), and Texas- based First Financial Bank were included in the testimony (Texas Senate Committee on Business and Commerce 2016). Testimony from representatives of Wells Fargo Bank spoke to the pronounced gaps in reporting, investigation, and reclamation of lost funds or assets as well as the complexities of navigating each state's state elder financial exploitation policy (Texas Senate Committee on Business and Commerce 2016).

The recommendation concludes by posing two specific recommendations to an unspecific agent of change. The Committee suggests greater information sharing between APS and law enforcement agencies without a subpoena or other court documents as well as the need for a time frame in which financial institutions can place a hold on vulnerable adult's account (Texas Senate Committee on Business and Commerce 2016). The recommendations were not assigned to a particular agency for implementation nor were subsequent bills filed by the committee's members upon the commencement of the legislative session in January 2017.

However, since the publication of the report in December 2016, Representatives and Senators alike have authored legislation regarding elder financial exploitation. As of April 20, 2017, there are six bills awaiting discussion in the Texas 85th Legislative Regular Session. Three of these bills were filed in the House, and three were filed in the Senate. The six bills cover topics such as mandatory reporting for financial institutions, defining important terms, and providing penalties for commission. A full list of the introduced legislation can be found in Appendix E.

House Bills

The main authors of the House bills regarding financial exploitation represent three of the four largest cities in Texas: Representative Shawn Thierry (D-Houston), Representative Tan Parker (R-Austin), Representative Mary Ann Perez (D-Austin), and Representative Eric Johnson (D-Dallas). House Bill 916 proposes mandatory reporting for suspected financial exploitation for financial institutions and proposes both a civil and criminal penalty for noncompliance (Texas Legislature Online 2017e). House Bill 959 defines what acts constitute elder financial abuse, codifies these offenses into Texas law, and creates criminal penalties for those who commit financial abuse on the elderly (Texas Legislature Online 2017f). Furthermore, the bill requires financial institutions to report suspected elder financial abuse; creating a civil penalty for noncompliance (Texas Legislature Online 2017f). House Bill 3225 proposes mandatory reporting for suspected financial exploitation for dealers and investment advisors, providing a civil penalty for noncompliance, and codifying this as a criminal offense in Texas law (Texas Legislature Online 2017a). House Bill 3503 relates to the financial abuse of elderly persons and creates a criminal offense for the commission of this crime (Texas Legislature Online 2017b). House Bill 3921 defines "financial exploitation" and "vulnerable adult" (Texas Legislature Online 2017c). House Bill 3972 defines "financial exploitation" and "elderly person" (Texas Legislature Online 2017d). The name, author, text, and status of each bill is included Appendix E.

Senate Bills

The main authors of the Senate bills regarding financial exploitation also represent heavily populated areas of the state: Senator Borris Miles (D-Houston) and Senator Royce West (D-Dallas). Senate Bill 791 requires financial institutions to report suspected elder financial abuse, creates criminal offenses, and provides civil penalties (Texas Legislature Online 2017g). Senate Bill 792 requires financial institutions to report suspected elder financial abuse, providing both a civil and criminal penalty (Texas Legislature Online 2017h). Senate Bill 998 establishes a statute of limitations for exploitation of elderly persons; however, it does not contain language specific to financial exploitation (Texas Legislature Online 2017i). Under the Texas Penal Code, the statute of limitations for exploitation of an elderly person is seven years from the commission or onset (Texas Legislature Online 2017i). The name, author, text, and status of each bill is included in Appendix E.

Key Findings

Texas is not prepared to address the problem of elder financial exploitation through policy. The incidence of elder financial exploitation in Texas is expected to increase as the state's population ages (Texas Demographic Center 2016). However, public and private entities are largely without the resources and legal ability to respond. The state's protective agencies, law enforcement, and financial institutions face challenges as they address this issue.

The lack of staffing and funding allocated to address crimes of elder financial exploitation stems from the minimal attention the issue has received. There has been no committee assigned to study elder abuse, neglect, or exploitation of the Alzheimer's affected population and there has been no related legislation (Texas Senate Committee on Business and Commerce 2016). The problem is reflected in the state's APS agency, which has assigned elder financial exploitation the lowest priority facing the agency. However, financial exploitation allegations accounted for more than ten percent of the agency's caseload in 2016 (Texas Department of Family and Protective Services 2016).

Texas regulation surrounding mandatory reporting of elder financial exploitation is broad and vague: requiring all citizens to report an instance of suspected financial exploitation (Texas Human Resources Code 2014). However there is no mechanism for financial institutions to report cases of suspected exploitation other than public reporting channels (Johnson 2013). Without such a provision, institutions may be liable to civil actions, preventing financial institutions from disclosing information on suspected exploitation prior to an investigation (Johnson 2013). While the state penalizes private citizens for failing to report suspected financial exploitation with a fine and jail time, the state provides no consequence to financial institutions for failing to report suspected exploitative activity (Johnson 2013).

Part III: Discussion

Limitations

The team identified several limitations to addressing the questions posed by the client. The gaps in information described below should be considered when evaluating the final recommendations. A list of project limitations can be found below in Table 3.

Research Challenges

Experts have reported that knowledge about elder abuse lags as much as two decades behind the fields of child abuse and domestic violence (National Center on Elder Abuse 2016). Moreover, the lack of academic researchers studying elder abuse issues impedes knowledge development in the field. As a result, there are few data to inform and guide practitioners and policymakers (Connolly et al. 2014). Although detailed data exists for each case of financial exploitation, the team could only access a portion of this information because both APS and law enforcement investigations are confidential.

Unavailable Data

Foremost, the team was constrained by the lack of public data. Texas APS does not provide data on the number of APS cases that are referred to law enforcement nor any specific information on specific form of of financial exploitation perpetrated or the financial losses to the victim as a result of financial exploitation. Without these data, the team was unable to estimate the annual financial exploitation losses in Texas and was limited to collecting qualitative information regarding the prevalence of elder financial exploitation.

Measuring Policy Effectiveness

The team also faced challenges in gathering information on the effectiveness of policy in peer and non-peer states. Determining policy effectiveness is reliant upon extent to which a policy or program achieves an objective under realistic conditions (Flay et al. 2005) and can be measured by comparing observed outcome of a policy's implementation relative to the initial objective of the policy set by the theory of change (Reisman et al. 2007). Complications in determining criteria to measure the effectiveness of elder financial exploitation policies are rooted in the complexities of the issue itself, as exploitation can occur over time, involving one or more victims and perpetrators (Acierno 2003). Measuring effectiveness would require a decade of data from each peer and non-peer state; these data have not been collected by states including Texas. Given these data challenges, the team was unable to conduct a systematic evaluation of the effectiveness of elder financial exploitation policy in peer and non-peer states.

Qualitative Challenges

The team sought to address the data challenges by collecting secondary research on non-peer states and conducting semi-structured interviews with stakeholders in both Texas and peer states. While the team conducted informational interviews with APS officials and Alzheimer's Association representatives in the peer states of Utah, Florida, and Kentucky, they were unable to interview anyone at APS and Alzheimer's Association chapter in Michigan. Moreover, the team was only able to conduct interviews with representatives of two Texas District Attorney's' Office; one from the larger Harris County and the smaller Fort Bend County. Finally, state budget information about Delaware's APS agency was also unavailable.

Table 3: Project Limitations	
Limitation	**Description of Limitation**
Unable to conduct informational interview with the Alzheimer's Association of Greater Michigan	Michigan is a peer state to Texas; therefore, information regarding financial exploitation legislation initiatives and partnerships could have assisted in recommendations offered to Texas.
Unable to conduct informational interview with representatives at Michigan Adult Protective Services	Michigan is a peer state to Texas; therefore, information on reporting processes and prosecution rates could have assisted in recommendations offered to Texas.
Unable to conduct informational interviews with other Texas District Attorneys' Offices Representatives	While this is the perspectives of both a small and large county in Texas, it is not representative of the entire state.
Unable to obtain Delaware Adult Protective Services Budget	State budget information is important to compare what is allocated to APS for elder issues and financial exploitation in each state. Without this information, the team cannot conduct an accurate, comprehensive comparison. Without a line item budget number, the team is unaware of the priority for APS.
Lack of Texas Adult Protective Services case data	Public data does provide the annual number of financial exploitation cases reported and validated to APS, but does not detail the number of cases referred to law enforcement and/or prosecuted by a district attorney. This information gap complicated the team's efforts to measure the prevalence of elder financial exploitation in Texas.
Data Constraints to Measuring Effectiveness	Measuring effectiveness in policy related to financial exploitation requires data largely unavailable at this point. Further, discrepancies in elder financial exploitation laws across states hinder the ability to measure effectiveness on an equitable scale.

Future Work

To protect elders, particularly those with Alzheimer's, from financial exploitation, it is important to understand who is committing the crimes, how perpetrators are assessing the funds, and how this growing problem can impact the financial well-being of the individuals and the state. Conducting similar studies to that of Utah and New York can help Texas determine the cost of financial exploitation, allowing seniors, government programs, and policy makers to better understand the issue. A regression analysis needs to be conducted to explore which variables are the largest predictors of exploitation. Sample variables could include:

- Victim characteristics
  - Victim demographics - race, ethnicity, gender, etc.
  - Victim's health and daily living needs - does the victim rely on caregivers
  - Alleged perpetrator's relationship to the victim - family, caregiver, etc.
  - Victim's health impairments - does the victim have the capacity to consent
  - Victims financial capacity - does the victim maintain the ability to manage assets
- Case characteristics
  - Referral source - family, banks, fiduciaries, etc.
  - Type of assets taken - personal property, cash, real estate, etc.
  - Exploitation method - misappropriated funds, forgery, coercion, etc.
  - Loss per case
- Case outcomes
  - Impact on victim - emotional pain, financial impoverishment, guardianship, and health concerns
  - Legal action - criminal or civil
- Fiscal impacts
  - Service agencies used and cost - Adult Protective Services, investigative services, and medical- and health-related services, etc.
  - Public benefits used and cost - Medicare, SNAP, rent subsidy, etc.

Potential Grants

The first scholarly article focused on elder abuse was published in 1975. So, when compared with other fields of study focused on interpersonal violence, the field of elder abuse research is relatively new. The elder abuse field is still asking major questions about the nature and scope of elder abuse (National Center on Elder Abuse 2017). There is a substantial amount of work that occurs in between identifying a social problem such as elder financial abuse and implementing an innovative breakthrough solution, especially while making the most of existing assets and working collaboratively with other organizations in the process. Grants support that process – they fund the work that it takes to create innovation.

A grant is one of the government's tools for funding ideas and projects to provide public services and benefit the general public. Grants are awarded for a wide-variety of activities, such as innovative research, recovery initiatives, infrastructure building, or programming (Orosz 2000). Examples of U.S. federal and state grant programs include those that support justice and law enforcement, social services and health research, and research in science and technology. The Alzheimer's Association can utilize similar partnerships and funding methods to support a study similar to those conducted by New York and Utah. The following section examines the cost and partnerships involved with each study to serve as a funding structure for future work.

The 2016 New York State Cost of Financial Exploitation Study was conducted by the OCFS Bureau of Adult Services and the Bureau of Research Evaluation and Performance Analytics. State partnerships included the New York State Department of Health, the Office of Temporary and Disability Assistance, the Office for the Aging, the State Police, and the Elder Abuse Subcommittee of the District Attorneys Association of the State of New York. Other key associates included Lifespan of Greater Rochester, Inc. and staff members from the New York State Office of Children and Family Services (OCFS) Bureau of Adult Services.

The OCFS was awarded a $300,000 federal grant after the study was published to improve financial exploitation investigations and data collection in New York State. The grant was from the Administration for Community Living State Grant to Enhance Adult Protective Services (National Adult Protective Services Association 2016). The New York Bureau of Adult Services and New York State Office for Children and Family Services (OCFS) are using the grant to fund a two-year project to expand upon existing programs and services with the "goal of improving the rate at which financial exploitation cases are satisfactorily resolved and preventing further abuse" (National Adult Protective Services Association 2016).

The 2011 Utah Economic Cost of Elder Financial Exploitation was conducted by the Utah Division of Aging and Adult Services without direct costs for conducting the three-month study. The study was conducted by Jilenne Gunther, MSW, JD of the Utah Division of Aging and Adult Services and reviewed by subject experts from George Mason University and University of North Carolina.

Potential partnerships

The Alzheimer's Association can conduct a comparable study via partnerships and support from:

- Aging and Disability Resources Centers (ADRCSs)
- Area Agencies on Aging (AAAs)
- Baylor Scott & White Health
- Local district attorney offices.
- Texas A&M School of Public Health
- Texas Alzheimer's Disease Program, Texas Legislature
- Texas Alzheimer's Research and Care Consortium
- Texas Council on Alzheimer's Disease and Related Disorders
- Texas Department of State Health Services

Potential Funding Sources

Other potential funding sources include funding from a variety of federal, private, and nonprofit sources. The number of opportunities the Alzheimer's Association is eligible for will vary depending upon the desired research focus and set of circumstances. The Association can utilize online grant databases such as the Foundation Directory Online to conduct searches around keywords that best describe the funding request. The Foundation Directory is the most complete source of funding available to non-profit organizations and individuals applying for funding (Foundation Center 2017). For available government grant opportunities, the Association can search grants.gov. The nonprofit should compile an exhaustive list of potential funders and go to each funder's website to read their specific application requirements. Organization priorities as an organization should match up with the funder's priorities, be it a private foundation or government office. The following grants are possible funders for a future research project. The list includes federal, state, and private foundation funding.

- National Institutes of Health (NIH): Funds Alzheimer's Disease research annually. NIH grants supported almost 2,400 research organizations in 2016, including higher education, independent hospitals and research institutes. NIH received 54,220 compete research project grant applications with the average size of awards at $499,221, a historical high for both competing and non-competing awards (Lauer 2017).
- National Center on Elder Abuse: Serves as a national resource center dedicated to the prevention of elder mistreatment. The NCEA collaborates on research and provides technical assistance and training to states and to community-based organizations (National Center on Elder Abuse 2017).
- Elder Abuse Prevention Interventions Program: The purpose of these grants, which range between $625,000 to $1,020,000 for three years, is to call national attention to elder abuse by encouraging states to develop prevention efforts that can help curtail elder abuse. Funding examples include the California's Abuse Intervention-Prevention Model (AIM) and Texas' Elder Abuse Suspicion Index (EASI) Screening Tool (Administration for Community Living 2017).
- Ford Foundation: The Ford Foundation is the second-largest private foundation in the United States, with an endowment of $12 billion. The Ford Foundation has invested in innovative ideas for over eighty years (Ford Foundation 2017).
- Meadows Foundation: The Meadows Foundation is a Texas-based private foundation that exists to assist people and institutions of Texas improve the quality and circumstances of life for themselves and future generations. The average grant awarded is $106,422 (Meadows Foundation 2017).
- Amon G.Carter Foundation: Amon G. Carter Foundation is a Texas non-profit corporation that supports work in the fields of art and culture, civic and public affairs, education, health, and human services. The Foundation gave over $4 million in health and medicine focused grants in FY 2015.

No national data system exists to help APS collect critical data on elder financial abuse. Grants and partnerships can help fund a study so that Texas can gain a broader picture of the true extent on financial exploitation in the state. Financial elder abuse is severely under researched, recognized, and reported in the state of Texas so these collection efforts are seen as innovative and qualify for funding from several foundations. Grants are a key resource in funding a potential study because it does not need to be repaid to the funder and is a common source of finance for innovative practices and research that does not fit within a constrained organization or agency budget.

Part IV: Conclusion

Conclusion

On behalf of the Alzheimer's Association of Houston and Southeast Texas**,** the Bush School capstone team has conducted research on the prevalence of elder financial exploitation. The information provided in this report serves as a basis for future advocacy efforts addressing financial exploitation of the elderly Alzheimer's affected populations in the 2019 Texas Legislative Session. The findings detailed in this report respond to the client's request for information regarding policies enacted to protect the elderly and those affected from Alzheimer's and dementia-related diseases from elder financial exploitation, as well as a mechanism for estimating financial losses resulting from this criminal offense.

The team found data regarding the prevalence and costs of physical or monetary assets exploited in crimes of elder financial exploitation in Texas to be largely non-existent. As a result, there is no mechanism for estimating the prevalence of elder financial exploitation or the financial and economic costs associated with the crime. Collecting these data is the essential first step in formulating policy alternatives designed to address elder financial exploitation in the state of Texas

Cost estimate studies conducted in Utah and New York provide a structure that could be used to estimate the individual and broader economic costs incurred by elder financial exploitation in Texas. These studies provide a methodology for conducting similar research in Texas to estimate the individual and broader economic costs of elder financial exploitation.

Finally, policies and programming efforts designed to prevent, investigate, and prosecute elder financial exploitation in peer and non-peer states present models for Texas to consider. Research conducted for this report describes these efforts in depth and notes the political factors potentially helping or hindering their statewide implementation. These models exemplify approaches toward advocacy and policy implemented to enforce existing state financial exploitation laws in peer and non-peer states.

Awareness of and prevention against elder financial exploitation will be important in coming years as the nation's baby boomer population ages. By 2025, Texas will be home to the nation's fourth largest elderly population including 490,000 persons affected by Alzheimer's and related diseases (Alzheimer's Association 2016). Regardless of the substantial projected growth in population, Texas has neglected to consider the complexities and losses associated with financial exploitation a policy priority, leaving a growing elderly population vulnerable and unprepared for the impacts on the state's social services.

The information presented in this report may be used to confront elder financial exploitation and navigate the policy issues surrounding its prevention, detection, and prosecution in the state of Texas.

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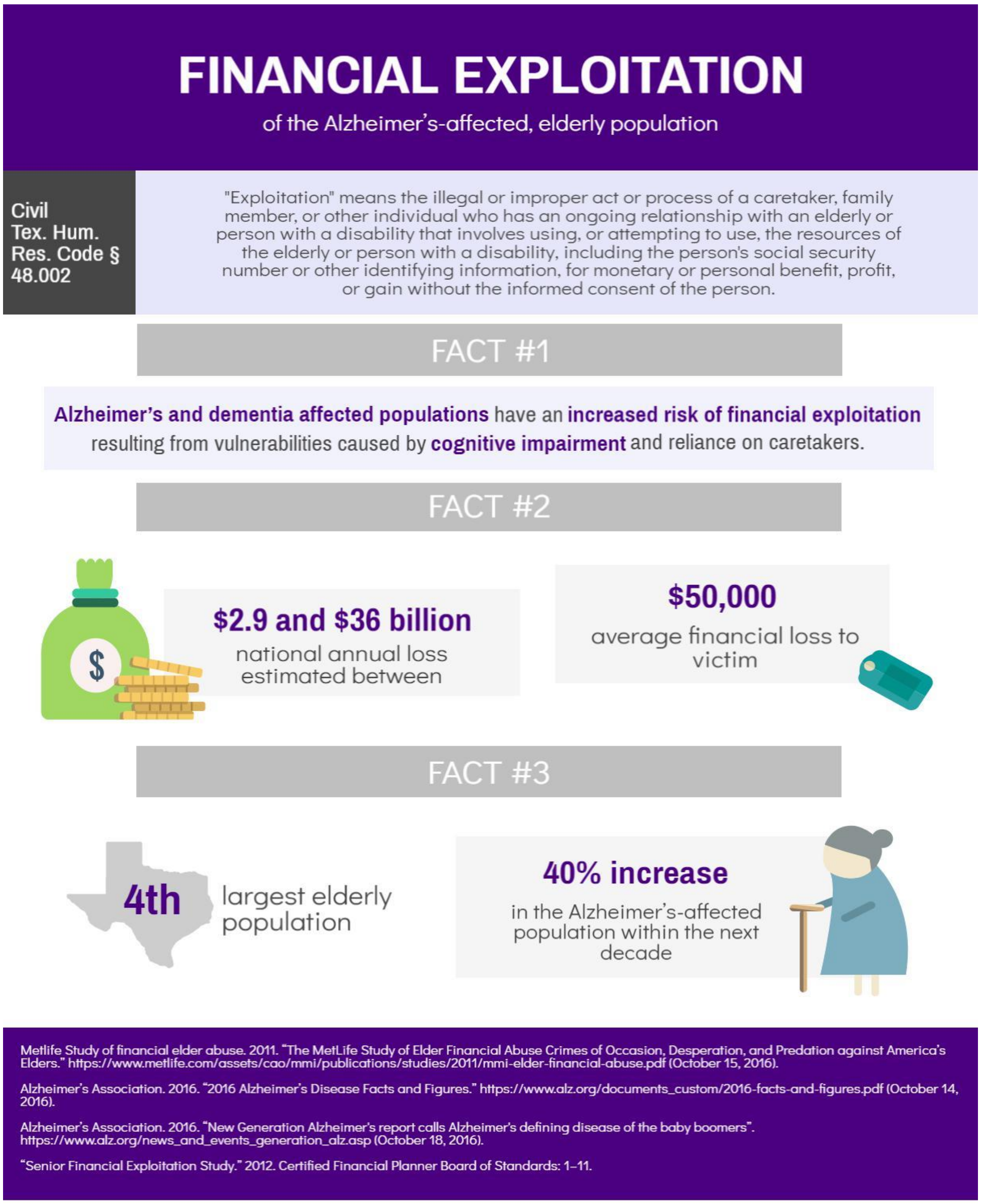
Appendix A: One-pager of Capstone Results



Appendix B: Peer and Non-Peer State Profiles

Florida

Major Takeaways (2-4 conclusions)

Florida seems to have multiple programs directed specifically to elders and Alzheimer's disease. In fact, it has a Alzheimer's Disease Initiative program, an advisory committee specifically on Alzheimer's, and a brain bank to further research on Alzheimer's. Moreover, the Department of Elder Affairs also partners with multiple universities and centers that help it develop resources for elders and Alzheimer's awareness.

Reason for Research

Peer State

Laws

Civil Fla. Stat. § 415.102 (2016)	TITLE 30. SOCIAL WELFARE (Chs. 409-430) CHAPTER 415. ADULT PROTECTIVE SERVICES § 415.102. Definitions of terms used in ss. 415.101-415.113 (8)(a) "Exploitation" means a person who: 1. Stands in a position of trust and confidence with a vulnerable adult and knowingly, by deception or intimidation, obtains or uses, or endeavors to obtain or use, a vulnerable adult's funds, assets, or property with the intent to temporarily or permanently deprive a vulnerable adult of the use, benefit, or possession of the funds, assets, or property for the benefit of someone other than the vulnerable adult; or 2. Knows or should know that the vulnerable adult lacks the capacity to consent, and obtains or uses, or endeavors to obtain or use, the vulnerable adult's funds, assets, or property with the intent to temporarily or permanently deprive the vulnerable adult of the use, benefit, or possession of the funds, assets, or property for the benefit of someone other than the vulnerable adult. (b) "Exploitation" may include, but is not limited to: 1. Breaches of fiduciary relationships, such as the misuse of a power of attorney or the abuse of guardianship duties, resulting in the unauthorized appropriation, sale, or transfer of property; 2. Unauthorized taking of personal assets; 3. Misappropriation, misuse, or transfer of moneys belonging to a vulnerable adult from a personal or joint account; or

	4. Intentional or negligent failure to effectively use a vulnerable adult's income and assets for the necessities required for that person's support and maintenance. (28) "Vulnerable adult" means a person 18 years of age or older whose ability to perform the normal activities of daily living or to provide for his or her own care or protection is impaired due to a mental, emotional, sensory, long-term physical, or developmental disability or dysfunction, or brain damage, or the infirmities of aging.
Criminal Fla. Stat. § 825.101 (2016)	Title 46. Crimes. (Chs. 775-896). Chapter 825. Abuse, Neglect, and Exploitation of Elderly Persons and Disabled Adults. § 825.101. Definitions As used in this chapter: (1) "Business relationship" means a relationship between two or more individuals or entities where there exists an oral or written contract or agreement for goods or services. (2) "Caregiver" means a person who has been entrusted with or has assumed responsibility for the care or the property of an elderly person or disabled adult. "Caregiver" includes, but is not limited to, relatives, court-appointed or voluntary guardians, adult household members, neighbors, health care providers, and employees and volunteers of facilities as defined in subsection (6) . (3) "Disabled adult" means a person 18 years of age or older who suffers from a condition of physical or mental incapacitation due to a developmental disability, organic brain damage, or mental illness, or who has one or more physical or mental limitations that restrict the person's ability to perform the normal activities of daily living. (4) "Elderly person" means a person 60 years of age or older who is suffering from the infirmities of aging as manifested by advanced age or organic brain damage, or other physical, mental, or emotional dysfunctioning, to the extent that the ability of the person to provide adequately for the person's own care or protection is impaired. (5) "Endeavor" means to attempt or try. (6) "Facility" means any location providing day or residential care or treatment for elderly persons or disabled adults. The term "facility" may include, but is not limited to, any hospital, training center, state institution, nursing home, assisted living facility, adult family-care home, adult day care center, group home, mental health treatment center, or continuing care community. (7) "Lacks capacity to consent" means an impairment by reason of mental illness, developmental disability, organic brain disorder, physical illness or disability, chronic use of drugs, chronic intoxication, short-term memory loss, or other cause, that causes an elderly person or disabled adult to lack

sufficient understanding or capacity to make or communicate reasonable decisions concerning the elderly person's or disabled adult's person or property.

(8) "Obtains or uses" means any manner of:

(a) Taking or exercising control over property; or

(b) Making any use, disposition, or transfer of property.

(9) "Position of trust and confidence" with respect to an elderly person or a disabled adult means the position of a person who:

(a) Is a parent, spouse, adult child, or other relative by blood or marriage of the elderly person or disabled adult;

(b) Is a joint tenant or tenant in common with the elderly person or disabled adult;

(c) Has a legal or fiduciary relationship with the elderly person or disabled adult, including, but not limited to, a court-appointed or voluntary guardian, trustee, attorney, or conservator;

(d) Is a caregiver of the elderly person or disabled adult; or

(e) Is any other person who has been entrusted with or has assumed responsibility for the use or management of the elderly person's or disabled adult's funds, assets, or property.

(10) "Property" means anything of value and includes:

(a) Real property, including things growing on, affixed to, and found in land.

(b) Tangible or intangible personal property, including rights, privileges, interests, and claims.

(c) Services.

(11) "Services" means anything of value resulting from a person's physical or mental labor or skill, or from the use, possession, or presence of property, and includes:

(a) Repairs or improvements to property.

(b) Professional services.

(c) Private, public, or governmental communication, transportation, power, water, or sanitation services.

(d) Lodging accommodations.

(e) Admissions to places of exhibition or entertainment.

(12) "Value" means value determined according to any of the following:

(a) 1. The market value of the property at the time and place of the offense or, if the market value cannot be satisfactorily ascertained, the cost of replacing the property within a reasonable time after the offense.

2. In the case of a written instrument such as a check, draft, or promissory note, which does not have a readily ascertainable market value, the value is the amount due or collectible. The value of any other instrument that creates, releases, discharges, or otherwise affects any valuable legal right, privilege, or obligation is the greatest amount of economic loss that the owner of the instrument might reasonably suffer by the loss of the instrument.

	3. The value of a trade secret that does not have a readily ascertainable market value is any reasonable value representing the damage to the owner suffered by reason of losing advantage over those who do not know of or use the trade secret. (b) If the value of the property cannot be ascertained, the trier of fact may find the value to be not less than a certain amount; if no such minimum value can be ascertained, the value is an amount less than $ 100. (c) Amounts of value of separate properties involved in exploitation committed pursuant to one scheme or course of conduct, whether the exploitation involves the same person or several persons, may be aggregated in determining the degree of the offense.
Criminal Fla. Stat. § 825.103 (2016)	Title 46. Crimes. (Chs. 775-896). Chapter 825. Abuse, Neglect, and Exploitation of Elderly Persons and Disabled Adults. § 825.103. Exploitation of an elderly person or disabled adult; penalties. (1) "Exploitation of an elderly person or disabled adult" means: (a) Knowingly obtaining or using, or endeavoring to obtain or use, an elderly person's or disabled adult's funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled adult

	of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, by a person who: 1. Stands in a position of trust and confidence with the elderly person or disabled adult; or 2. Has a business relationship with the elderly person or disabled adult; (b) Obtaining or using, endeavoring to obtain or use, or conspiring with another to obtain or use an elderly person's or disabled adult's funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, by a person who knows or reasonably should know that the elderly person or disabled adult lacks the capacity to consent; (c) Breach of a fiduciary duty to an elderly person or disabled adult by the person's guardian, trustee who is an individual, or agent under a power of attorney which results in an unauthorized appropriation, sale, or transfer of property. An unauthorized appropriation under this paragraph occurs when the elderly person or disabled adult does not receive the reasonably equivalent financial value in goods or services, or when the fiduciary violates any of these duties: 1. For agents appointed under chapter 709: a. Committing fraud in obtaining their appointments; b. Abusing their powers; c. Wasting, embezzling, or intentionally mismanaging the assets of the principal or beneficiary; or d. Acting contrary to the principal's sole benefit or best interest; or 2. For guardians and trustees who are individuals and who are appointed under chapter 736 or chapter 744: a. Committing fraud in obtaining their appointments; b. Abusing their powers; or c. Wasting, embezzling, or intentionally mismanaging the assets of the ward or beneficiary of the trust; (d) Misappropriating, misusing, or transferring without authorization money belonging to an elderly person or disabled adult from an account in which the elderly person or disabled adult placed the funds, owned the funds, and was the sole contributor or payee of the funds before the misappropriation, misuse, or unauthorized transfer. This paragraph only applies to the following types of accounts: 1. Personal accounts; 2. Joint accounts created with the intent that only the elderly person or disabled adult enjoys all rights, interests, and claims to moneys deposited into such account; or 3. Convenience accounts created in accordance with s. 655.80 [external link]; or

	(e) Intentionally or negligently failing to effectively use an elderly person's or disabled adult's income and assets for the necessities required for that person's support and maintenance, by a caregiver or a person who stands in a position of trust and confidence with the elderly person or disabled adult. (2) Any inter vivos transfer of money or property valued in excess of $ 10,000 at the time of the transfer, whether in a single transaction or multiple transactions, by a person age 65 or older to a nonrelative whom the transferor knew for fewer than 2 years before the first transfer and for which the transferor did not receive the reasonably equivalent financial value in goods or services creates a permissive presumption that the transfer was the result of exploitation. (a) This subsection applies regardless of whether the transfer or transfers are denoted by the parties as a gift or loan, except that it does not apply to a valid loan evidenced in writing that includes definite repayment dates. However, if repayment of any such loan is in default, in whole or in part, for more than 65 days, the presumption of this subsection applies. (b) This subsection does not apply to: 1. Persons who are in the business of making loans. 2. Bona fide charitable donations to nonprofit organizations that qualify for tax exempt status under the Internal Revenue Code. (c) In a criminal case to which this subsection applies, if the trial is by jury, jurors shall be instructed that they may, but are not required to, draw an inference of exploitation upon proof beyond a reasonable doubt of the facts listed in this subsection. The presumption of this subsection imposes no burden of proof on the defendant. (3) (a) If the funds, assets, or property involved in the exploitation of the elderly person or disabled adult is valued at $ 50,000 or more, the offender commits a felony of the first degree, punishable as provided in s. 775.082 [external link], s. 775.083 [external link], or s. 775.084 [external link]. (b) If the funds, assets, or property involved in the exploitation of the elderly person or disabled adult is valued at $ 10,000 or more, but less than $ 50,000 , the offender commits a felony of the second degree, punishable as provided in s. 775.082 [external link], s. 775.083 [external link], or s. 775.084 [external link]. (c) If the funds, assets, or property involved in the exploitation of an elderly person or disabled adult is valued at less than $ 10,000 , the offender commits a felony of the third degree, punishable as provided in s. 775.082 [external link], s. 775.083 [external link], or s. 775.084 [external link]. (4) If a person is charged with financial exploitation of an elderly person or disabled adult that involves the taking of or loss of property valued at more than $ 5,000 and property belonging to a victim is seized from the defendant pursuant to a search warrant, the court shall hold an evidentiary hearing and determine, by a preponderance of the evidence, whether the defendant unlawfully obtained the victim's property. If the court finds that the property was unlawfully obtained, the court may order it returned to the

	victim for restitution purposes before trial on the charge. This determination is inadmissible in evidence at trial on the charge and does not give rise to any inference that the defendant has committed an offense under this section.

State Programs

1) Elder Abuse Prevention Program (Department of Elder Affairs, 2016)
    - Description - supports programs and services to protect elders from abuse in all its forms – physical, emotional, financial and more. The program is designed to increase awareness of the problem of elder abuse, neglect and exploitation. The program includes training and dissemination of elder abuse prevention materials and funds special projects to provide training and prevention activities.
    - The Elder Abuse Prevention Program is funded through Title VII of the Older Americans Act and is administered through contracts with Area Agencies on Aging and local service providers.
    - The Department promotes programs to educate interested parties on the strategies for communicating with individuals who have Alzheimer's Disease or Related Dementias (ADRD).
2) Alzheimer's Disease Initiative (Department of Elder Affairs, 2016)
    - Description - provides services to meet the changing needs of individuals and families affected by Alzheimer's disease and similar memory disorders. The ADI provides caregiver respite services and support. ADI respite includes in-home, facility-based (usually at adult day care centers), emergency, and extended care (up to 30 days) for caregivers who serve patients with memory disorders. During fiscal year 2014-2015, 2,652 individuals received respite and support services, including case management; specialized medical equipment, services, and supplies; and caregiver counseling, support groups, and training.
    - Additionally, the ADI includes services provided by Memory Disorder Clinics (MDCs). The MDCs provide comprehensive diagnostic and referral services for persons with Alzheimer's disease and related disorders. The MDCs had over 16,569 office visits during fiscal year 2015-2016 and provided telephone counseling, information, and support 17,769 times. The Memory Disorder Clinics routinely conduct community memory screening events that are free to the public. Individuals are screened, provided a score with an explanation of the results, and advised to follow up with their own physicians. A total of 1,529 memory screens were recorded last fiscal year, and 26,739 referrals were made on the behalf of clients and caregivers.
3) Florida Brain Bank (The Florida Brain Bank, 2017)
    - Description - a service and research oriented network of statewide regional sites. Currently, only a brain autopsy at the time of death can provide confirmation that an individual suffered from Alzheimer's disease. The intent of the brain bank program is to study brains of persons clinically diagnosed with dementia and provide tissue for research after their deaths.
    - The Florida Brain Bank was created in 1987. The Brain Bank is administered

by Dr. Ranjan Duara of Mount Sinai Medical Center in Miami and is facilitated through four regional centers. The Florida Brain Bank is supported by the Department of Elder Affairs through its Alzheimer's Disease Initiative. Members participating in this program include Mount Sinai Medical Center-Miami Beach, Alzheimer Resource Center, University of Florida, University of Miami, University of South Florida, North Broward Medical Center, East Central Florida Memory Disorder Clinic, Mayo Clinic Jacksonville, West Florida Medical Center, Orlando Regional Memory Disorder Clinic, Sarasota Memory Disorder Clinic, St. Mary's Medical Center, Tallahassee Memorial Regional Medical Center, Lee Memorial Hospital, Morton Plant Hospital, and Florida Atlantic University. 4) Alzheimer's Disease Advisory Committee (Department of Elder Affairs 2016) ● Description - In accordance with Section 430.501(2), Florida Statutes, there is created an Alzheimer's Disease Advisory Committee, composed of 10 members to be selected by the Governor, which shall advise the Department of Elderly Affairs in the performance of its duties under this act. All members must be residents of the state. The committee shall advise the Department regarding legislative, programmatic, and administrative matters that relate to individuals with Alzheimer's disease and their caregivers. ● Committee members must be Florida residents and reflect the following representation: 1) At least four of the 10 members must be licensed pursuant to Chapter 458 or 459 of Florida Statutes or hold a Ph.D. degree and be currently involved in research of Alzheimer's disease; 2) The 10 members must include a least four persons who have been caregivers of victims of Alzheimer's disease; and 3) Whenever possible, there should be one individual from each of the following professions: a gerontologist, a geriatric psychiatrist, a geriatrician, a neurologist, a social worker and a registered nurse. ● Members are appointed to four-year staggered terms. The committee elects one of its members to serve as chair for a one-year term. Committee meetings are held quarterly or as frequently as needed

Reporting Process

Mandated?	Yes
Who is mandated?	(a) Any person, including, but not limited to, any: 1. Physician, osteopathic physician, medical examiner, chiropractic physician, nurse, paramedic, emergency medical technician, or hospital personnel engaged in the admission, examination, care, or treatment of vulnerable adults; 2. Health professional or mental health professional other than one listed in subparagraph 1.;

	3. Practitioner who relies solely on spiritual means for healing; 4. Nursing home staff; assisted living facility staff; adult day care center staff; adult family-care home staff; social worker; or other professional adult care, residential, or institutional staff; 5. State, county, or municipal criminal justice employee or law enforcement officer; 6. Employee of the Department of Business and Professional Regulation conducting inspections of public lodging establishments under s. 509.032; 7. Florida advocacy council or Disability Rights Florida member or a representative of the State Long-Term Care Ombudsman Program; or 8. Bank, savings and loan, or credit union officer, trustee, or employee, …who knows, or has reasonable cause to suspect, that a vulnerable adult has been or is being abused, neglected, or exploited shall immediately report such knowledge or suspicion to the central abuse hotline.
Penalties:	Unknown
Process (if available)	Unknown

Prosecution Process

Florida laws describe more the process to report elder abuse rather than what happens after elder abuse is reported and found valid--much like what we have found in other states.

Budget

Department of Elder Affairs	FY 2016 $311,480,952 (Governor's Budget FY 2016)
State Budget	FY 2016 $82,285,276,649 (Governor's Budget FY 2016)

Demographics

24.8% over the age of 60 in 2015	(American Fact Finder 2015)
510,000 suffering from Alzheimer's and dementia-related diseases	(Alzheimer's Association 2016)

40.2% projected growth of elderly* population by 2025	*ages 65 and older (Florida State Senate 2016)
41.2% projected growth Alzheimer’s and dementia-related diseases population by 2025	(Alzheimer’s Association 2016)

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Michigan

Major Takeaways (2-4 conclusions)

The Michigan Model Vulnerable Adult Protocol (MI-MVP) is a blueprint for communities to implement for the purpose of reducing harm and victimization of vulnerable adults through a coordinated team approach.
For the PREVNT initiative, the state collaborates with different public and private organizations to educate and provide services for the elderly and prevent financial exploitation.

Reason for Research

Peer State

Laws

Civil MCLS § 400.11 (2016)	Chapter 400 SOCIAL SERVICES Section 400.11 THE SOCIAL WELFARE ACT (EXCERPT) Act 280 of 1939 § 400.11 Definitions. (c) “Exploitation” means an action that involves the misuse of an adult's funds, property, or personal dignity by another person. (b) "Adult in need of protective services" or "adult" means a vulnerable person not less than 18 years of age who is suspected of being or believed to be abused, neglected, or exploited.
Criminal MICH. COMP. LAWS ANN. § 400.11 (2016)	Chapter 400 Social Services Act 280 of 1939 The Social Welfare Act State Department of Social Services § 400.11. Definitions. Sec. 11. As used in this section and sections 11a to 11f: (a) "Abuse" means harm or threatened harm to an adult's health or welfare caused by another person. Abuse includes, but is not limited to, nonaccidental physical or mental injury, sexual abuse, or maltreatment. (b) "Adult in need of protective services" or "adult" means a vulnerable person not less than 18 years of age who is suspected of being or believed to be abused, neglected, or exploited. (c) "Exploitation" means an action that involves the misuse of an adult's funds, property, or personal dignity by another person. (d) "Neglect" means harm to an adult's health or welfare caused by the inability of the adult to respond to a harmful situation or by the conduct of a person who assumes responsibility for a significant aspect of the adult's health or welfare. Neglect includes the failure to provide adequate food, clothing, shelter, or medical care. A person

	shall not be considered to be abused, neglected, or in need of emergency or protective services for the sole reason that the person is receiving or relying upon treatment by spiritual means through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination, and this act shall not require any medical care or treatment in contravention of the stated or implied objection of that person. (e) "Protective services" includes, but is not limited to, remedial, social, legal, health, mental health, and referral services provided in response to a report of alleged harm or threatened harm because of abuse, neglect, or exploitation. (f) "Vulnerable" means a condition in which an adult is unable to protect himself or herself from abuse, neglect, or exploitation because of a mental or physical impairment or because of advanced age.
Criminal MICH. COMP. LAWS ANN. § 750.174a (2016)	Chapter 750. Michigan Penal Code Chapter XXXI. Embezzlement 750.174a Vulnerable adult; prohibited conduct; violation; penalty; enhanced sentence; exceptions; consecutive sentence; definitions; report by office of services to the aging to department of human services. Sec. 174a. (1) A person shall not through fraud, deceit, misrepresentation, coercion, or unjust enrichment obtain or use or attempt to obtain or use a vulnerable adult's money or property to directly or indirectly benefit that person knowing or having reason to know the vulnerable adult is a vulnerable adult. (2) If the money or property used or obtained, or attempted to be used or obtained, has a value of less than $200.00, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00 or 3 times the value of the money or property used or obtained or attempted to be used or obtained, whichever is greater, or both imprisonment and a fine. (3) If any of the following apply, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $2,000.00 or 3 times the value of the money or property used or obtained or attempted to be used or obtained, whichever is greater, or both imprisonment and a fine: (a) The money or property used or obtained, or attempted to be used or obtained, has a value of $200.00 or more but less than $1,000.00. (b) The person violates subsection (2) and has 1 or more prior convictions for committing or attempting to commit an offense under this section. (4) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00 or 3 times the value of the money or

	property used or obtained or attempted to be used or obtained, whichever is greater, or both imprisonment and a fine: (a) The money or property used or obtained, or attempted to be used or obtained, has a value of $1,000.00 or more but less than $20,000.00. (b) The person violates subsection (3)(a) and has 1 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (2) or (3)(b). (5) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $15,000.00 or 3 times the value of the money or property used or obtained or attempted to be used or obtained, whichever is greater, or both imprisonment and a fine: (a) The money or property used or obtained, or attempted to be used or obtained, has a value of $20,000.00 or more but less than $50,000.00. (b) The person violates subsection (4)(a) and has 2 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (2) or (3)(b). (6) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than $15,000.00 or 3 times the value of the money or property used or obtained or attempted to be used or obtained, whichever is greater, or both imprisonment and a fine: (a) The money or property used or obtained, or attempted to be used or obtained, has a value of $50,000.00 or more but less than $100,000.00. (b) The person violates subsection (5)(a) and has 2 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (2) or (3)(b). (7) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than $50,000.00 or 3 times the value of the money or property used or obtained or attempted to be used or obtained, whichever is greater, or both imprisonment and a fine: (a) The money or property used or obtained, or attempted to be used or obtained, has a value of $100,000.00 or more. (b) The person violates subsection (6)(a) and has 2 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior

	conviction does not include a conviction for a violation or attempted violation of subsection (2) or (3)(b). (8) Except as otherwise provided in this subsection, the values of money or property used or obtained or attempted to be used or obtained in separate incidents pursuant to a scheme or course of conduct within any 12-month period may be aggregated to determine the total value of money or personal property used or obtained or attempted to be used or obtained. If the scheme or course of conduct is directed against only 1 person, no time limit applies to aggregation under this subsection. (9) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions shall be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following: (a) A copy of the judgment of conviction. (b) A transcript of a prior trial, plea-taking, or sentencing. (c) Information contained in a presentence report. (d) The defendant's statement. (10) If the sentence for a conviction under this section is enhanced by 1 or more prior convictions, those prior convictions shall not be used to further enhance the sentence for the conviction under section 10, 11, or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12. (11) A financial institution or a broker or a director, officer, employee, or agent of a financial institution or broker is not in violation of this section while performing duties in the normal course of business of a financial institution or broker or a director, officer, employee, or agent of a financial institution or broker. (13) The court may order a sentence imposed for a violation of subsection (4), (5), (6), or (7) to be served consecutively to any other sentence imposed for a violation of this section. (14) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law the person commits while violating this section. (15) As used in this section: (a) "Broker" means that term as defined in section 8102 of the uniform commercial code, 1962 PA 174, MCL 440.8102. (b) "Financial institution" means a bank, credit union, saving bank, or a savings and loan chartered under state or federal law or an

	affiliate of a bank, credit union, saving bank, or savings and loan chartered under state or federal law. (c) "Vulnerable adult" means that term as defined in section 145m, whether or not the individual has been determined by the court to be incapacitated. (16) If the office of services to the aging becomes aware of a violation of this section, the office of services to the aging shall promptly report the violation to the department of human services.
Criminal MICH. COMP.LAWS ANN. § § 750.145m (2016)	Chapter 750. Michigan Penal Code § 750.145m "Vulnerable adult" means 1 or more of the following: (i) An individual age 18 or over who, because of age, developmental disability, mental illness, or physical disability requires supervision or personal care or lacks the personal and social skills required to live independently. (ii) An adult as defined in section 3(1)(b) of the adult foster care facility licensing act, MCL 400.703. (iii) An adult as defined in section 11(b) of the social welfare act, MCL 400.11. (The Michigan Penal Code 2016)

State Programs

1) Prevent Elder and Vulnerable Adult Abuse, Exploitation, Neglect Today
   - Description – program to develop tools to address abuse, neglect and exploitation in Michigan
2) Tailored Caregiver Assessment and Referral (TCARE®)
   - Description - program that helps caregivers and links them to home and community services to reduce their stress levels
3) Creating Confident Caregivers®
   - Description - provides support to families who care for a member with dementia, living at home

Reporting Process

Mandated?	Yes
Who is mandated?	• A person who is employed, licensed, registered or certified to provide health care, educational, social welfare, mental health or other human services; • An employee of an agency licensed to provide health care, educational, social welfare, mental health or other human services; • A law enforcement officer; and • An employee of the office of the county medical examiner. (Michigan Compiled Laws 2016)

Penalties:	Failure of a mandatory reporter to report as required makes the reporter civilly liable for damages proximately caused by the failure to report and subject to a civil fine of up to $500 for each failure to report. (Michigan Compiled Laws 2016)
Process (if available)	Unknown

Prosecution Process

The Michigan Model Vulnerable Adult Protocol (MI-MVP) is a blueprint for communities to implement for the purpose of reducing harm and victimization of vulnerable adults through a coordinated team approach and applies to situations described in Section 400.11(a-f) of the Social Welfare Act, as amended. This model protocol will aid in systemic changes and ensure reports are appropriately reviewed, investigated and prosecuted and will ensure victims are effectively referred to necessary social and health services.

Budget

Aging and Adult Services Agency	FY 2016 $101.1 million (Sederburg 2016)
State Budget	FY 2016 $54 billion (State of Michigan: State Budget Office 2016)

Demographics

21.3% over the age of 60 in 2015	(American Fact Finder 2015)
180,000 suffering from Alzheimer’s and dementia-related diseases	(Alzheimer’s Association 2016)
18% projected growth of elderly* population by 2025	*ages 60 and older (Administration on Aging 2014)
22.2% projected growth Alzheimer’s and dementia-related diseases population by 2025	(Alzheimer’s Association 2016)

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Kentucky

Major Takeaways (2-4 conclusions)

Clear and detailed state statutes providing direction to reporters, APS, state/county prosecutors, and multidisciplinary investigative teams
State oversees a system for tracking substantiated reports which provide current figures of cases of alleged and substantiated reports
The state has formed dedicated task forces to address the issue comprised of affected stakeholders and the Elder Abuse Committee, which issues an annual report of the state's progress in addressing all forms of elder abuse as well as financial exploitation

Reason for Research

Peer State

Laws

Civil KRS § 209.020 (2016)	TITLE XVII Economic Security and Public Welfare CHAPTER 209 Protection of Adults KRS § 209.020 Definitions for chapter. (9) "Exploitation" means obtaining or using another person's resources, including but not limited to funds, assets, or property, by deception, intimidation, or similar means, with the intent to deprive the person of those resources; --- (4) "Adult" means a person eighteen (18) years of age or older who, because of mental or physical dysfunctioning, is unable to manage his or her own resources, carry out the activity of daily living, or protect himself or herself from neglect, exploitation, or a hazardous or abusive situation without assistance from others, and who may be in need of protective services;
Criminal KY. REV. STAT. ANN. § 209.020 (2016)	TITLE XVII. Economic Security and Public Welfare CHAPTER 209. Protection of Adults 209.020. Definitions for chapter. (4) "Adult" means a person eighteen (18) years of age or older who, because of mental or physical dysfunctioning, is unable to manage his or her own resources, carry out the activity of daily living, or protect himself or herself from neglect, exploitation, or a hazardous or abusive situation without assistance from others, and who may be in need of protective services; (9) "Exploitation" means obtaining or using another person's resources, including but not limited to funds, assets, or property, by deception,

	intimidation, or similar means, with the intent to deprive the person of those resources;
Criminal KY. REV. STAT. ANN. § 209.990 (2016)	TITLE XVII. Economic Security and Public Welfare CHAPTER 209. Protection of Adults 209.990. Penalties. (1) Anyone knowingly or wantonly violating the provisions of KRS 209.030(2) shall be guilty of a Class B misdemeanor as designated in KRS 532.090. Each violation shall constitute a separate offense. (2) Any person who knowingly abuses or neglects an adult is guilty of a Class C felony. (3) Any person who wantonly abuses or neglects an adult is guilty of a Class D felony. (4) Any person who recklessly abuses or neglects an adult is guilty of a Class A misdemeanor. (5) Any person who knowingly exploits an adult, resulting in a total loss to the adult of more than three hundred dollars ($ 300) in financial or other resources, or both, is guilty of a Class C felony. (6) Any person who wantonly or recklessly exploits an adult, resulting in a total loss to the adult of more than three hundred dollars ($ 300) in financial or other resources, or both, is guilty of a Class D felony. (7) Any person who knowingly, wantonly, or recklessly exploits an adult, resulting in a total loss to the adult of three hundred dollars ($ 300) or less in financial or other resources, or both, is guilty of a Class A misdemeanor. (8) If a defendant is sentenced under subsection (5), (6), or (7) of this section and fails to return the victim's property as defined in KRS 218A.405. within thirty (30) days of an order by the sentencing court to do so, or is thirty (30) days or more delinquent in a court-ordered payment schedule, then the defendant shall be civilly liable to the victim of the offense or the victim's estate for treble damages, plus reasonable attorney fees and court costs. Any interested person or entity, as defined in KRS 387.510, shall have standing to bring a civil action on the victim's behalf to enforce this section. The sentencing judge shall inform the defendant of the provisions of this subsection at sentencing.

State Programs

1) Elder Abuse Committee under the state Cabinet of Health and Family Services (Kentucky Revised Statutes 2012)
    - Description - this committee is comprised of representatives of the Kentucky Departments for Community Based Services, Public Health, Behavioral Health, Developmental and Intellectual Disabilities, Aging and Independent Living as well as the state's Office of Inspector General's Division of Health Care, Office of the Ombudsman and area Agencies on Aging, local and state law enforcement officials, and prosecutors (Kentucky Revised Statutes 2012). The committee was formed in

2012 to provide services to the elderly population of Kentucky and is explicitly authorized to "recommend a model protocol for the joint multidisciplinary investigation of reports of suspected abuse, neglect, or exploitation of the elderly" and recommended practices to assure timely reporting of referrals of abuse, neglect, or exploitation," (Kentucky Revised Statutes 2012).

- Directed by state statute to submit an annual report of activities and policy recommendations to the Governor and Legislative Research Commission. The last annual report was completed in 2016.
- The Department for Community Based Services, the lead agency responsible for elder abuse awareness, provides training materials to bank tellers and financial institutions on the prevention and detection of elder financial exploitation.

2) Office on Alzheimer's Disease and Related Disorders within the Cabinet of Health and Family Services (Kentucky Revised Statutes 2000).
   - Description - serves to "oversee information and resources related to policy and services affecting the residents of Kentucky with dementia" and their caregivers. (Kentucky Revised Statutes 2000).
3) Alzheimer's Disease and Related Disorders Advisory Council
   - Description - responsible for "establishing and evaluating goals and outcomes for the Office on Alzheimer's Disease and Related Disorders" as well as information provision for citizens (Kentucky Revised Statutes 2000).
   - The council is comprised of 15 gubernatorial appointees including representatives of "agencies of state government that deal with dementia," and "local health departments; regional Alzheimer's Associations; the Sanders-Brown Center on Aging; consumers; healthcare providers; and the medical research community." (Kentucky Cabinet for Health and Family Services 2017).
   - The Council last submitted a State Alzheimer's Plan in 2008.
4) Local Coordinating Councils on Elder Abuse within each State Area Development District
   - Description - councils are interdisciplinary teams, under the leadership of APS and Area Agencies on Aging, that investigate cases of elder abuse, including financial exploitation (Kentucky Cabinet for Health and Family Services 2017).

Reporting Process

Mandated?	Yes
Who is mandated?	All citizens "including but not limited to physician, law enforcement officer, nurse, social worker, cabinet personnel, coroner, medical examiner, alternate care facility employee, or caretaker, having reasonable cause to suspect that an adult has suffered abuse, neglect, or exploitation," to report cases of suspected exploitation to local APS office, who is then required to work local law enforcement agency. Civil and criminal

	immunity granted to "anyone acting upon reasonable cause in the making of any report or investigation," (Kentucky Revised Statutes 1980).
Penalties:	Failure to report is a Class B misdemeanor punishable by 90 days imprisonment and a fine of $250 (Kentucky Revised Statutes 1992 2011).
Process (if available)	1. APS receives a report. 2. APS accepts/denies the allegation depending upon criteria (what are these) 3. APS submits report to local law enforcement, OIG, licensing agencies, guardianship entities as appropriate within 48 hours. 4. Case is prepared, determination is made of findings. Protective services are offered. 5. Accepting or refusal of protective services by adult in question. a. Acceptance: Case is referred to law enforcement. b. Refusal: Discussion of concerns, prevention plan.

Prosecution Process

Once an investigation is complete, documents are turned over to area prosecutors. In accordance with state statute (2005), "each Commonwealth's attorney's office and each county attorney's office shall have an attorney trained in adult abuse, neglect, and exploitation," if such personnel are available. This individual is responsible for interviewing the victim of exploitation and informing them of the proceedings of their case (Kentucky Revised Statutes 2005). State or county attorneys, as well as other members of the MDT's investigating the case, are expected to "minimize the involvement of the adult in legal proceedings, avoiding appearances at preliminary hearings, grand jury hearings, and other proceedings when possible."

Budget

Department of Aging and Independent Living, Kentucky Cabinet of Health and Family Services	FY 2016 $70,678,400 (State of Kentucky: Office of the State Budget Director 2016)

State Budget	FY 2016 $10,328,422,700 (State of Kentucky: Office of the State Budget Director 2016)

Demographics

20.5% over the age of 60 in 2015	(American Fact Finder 2015)
69,000 suffering from Alzheimer's and dementia-related diseases	(Alzheimer's Association 2016)
5.6% projected growth of elderly* population by 2025	*ages 65 and older (Administration on Aging 2014)
25% projected growth Alzheimer's and dementia-related diseases population by 2025	(Alzheimer's Association 2016)

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Utah

Major Takeaways (2-4 conclusions)

Utah does not provide any specific direction for prosecutors to address elder abuse (or financial exploitation). Moreover, it is unclear what guidelines law enforcement officials use to determine whether an elder abuse, specifically financial exploitation, is valid or not.
There is significant cooperation between the state, Alzheimer's chapter, Governor, AARP, and financial institutions to create resources for elderly and to address problems.

Reason for Research

Peer State

Laws

Civil Utah Code Ann. § 62A-3-301 (2015)	TITLE 62A. UTAH HUMAN SERVICES CODE CHAPTER 3. AGING AND ADULT SERVICES PART 3. ABUSE, NEGLECT, OR EXPLOITATION OF A VULNERABLE ADULT § 62A-3-301. Definitions (28) "Vulnerable adult" means an elder adult, or an adult who has a mental or physical impairment which substantially affects that person's ability to: (a) provide personal protection; (b) provide necessities such as food, shelter, clothing, or mental or other health care; (c) obtain services necessary for health, safety, or welfare; (d) carry out the activities of daily living; (e) manage the adult's own financial resources; or (f) comprehend the nature and consequences of remaining in a situation of abuse, neglect, or exploitation.
Civil Utah Code Ann. § 76-5-111 (2015)	Title 76. Utah Criminal Code Chapter 5. Offenses Against the Person Part 1. Assault and Related Offenses § 76-5-111. Abuse, neglect, or exploitation of a vulnerable adult -- Penalties (4) (a) A person commits the offense of exploitation of a vulnerable adult when the person: (i) is in a position of trust and confidence, or has a business relationship, with the vulnerable adult or has undue influence over the vulnerable adult and knowingly, by deception or intimidation, obtains or uses, or endeavors to obtain or use, the vulnerable adult's funds, credit, assets, or other property with the intent to temporarily or permanently deprive the vulnerable adult of the use, benefit, or possession of the

	adult's property, for the benefit of someone other than the vulnerable adult; (ii) knows or should know that the vulnerable adult lacks the capacity to consent, and obtains or uses, or endeavors to obtain or use, or assists another in obtaining or using or endeavoring to obtain or use, the vulnerable adult's funds, assets, or property with the intent to temporarily or permanently deprive the vulnerable adult of the use, benefit, or possession of his property for the benefit of someone other than the vulnerable adult; (iii) unjustly or improperly uses or manages the resources of a vulnerable adult for the profit or advantage of someone other than the vulnerable adult; (iv) unjustly or improperly uses a vulnerable adult's power of attorney or guardianship for the profit or advantage of someone other than the vulnerable adult; or (v) involves a vulnerable adult who lacks the capacity to consent in the facilitation or furtherance of any criminal activity.
Criminal Utah Code Ann. § 76-5-111 (2015)	Title 76. Utah Criminal Code Chapter 5. Offenses Against the Person Part 1. Assault and Related Offenses (1) As used in this section: (c) "Business relationship" means a relationship between two or more individuals or entities where there exists an oral or written agreement for the exchange of goods or services. (e) "Deception" means: (i) a misrepresentation or concealment: (A) of a material fact relating to services rendered, disposition of property, or use of property intended to benefit a vulnerable adult; (B) of the terms of a contract or agreement entered into with a vulnerable adult; or (C) relating to the existing or preexisting condition of any property involved in a contract or agreement entered into with a vulnerable adult; or (ii) the use or employment of any misrepresentation, false pretense, or false promise in order to induce, encourage, or solicit a vulnerable adult to enter into a contract or agreement. (h) "Exploitation" means an offense described in Subsection (4) or Section 76-5b-202 [sexual exploitation of a vulnerable adult]. (k) "Intimidation" means communication conveyed through verbal or nonverbal conduct which threatens deprivation of money, food, clothing, medicine, shelter, social interaction, supervision, health care, or companionship, or which threatens isolation or harm. (m) "Lacks capacity to consent" means an impairment by reason of mental illness, developmental disability, organic brain disorder, physical illness or disability, chronic use of drugs, chronic intoxication, short-term

	memory loss, or other cause to the extent that a vulnerable adult lacks sufficient understanding of the nature or consequences of decisions concerning the adult's person or property. (p) "Position of trust and confidence" means the position of a person who: (i) is a parent, spouse, adult child, or other relative by blood or marriage of a vulnerable adult; (ii) is a joint tenant or tenant in common with a vulnerable adult; (iii) has a legal or fiduciary relationship with a vulnerable adult, including a court-appointed or voluntary guardian, trustee, attorney, or conservator; or (iv) is a caretaker of a vulnerable adult. (q) "Serious physical injury" means any physical injury or set of physical injuries that: (i) seriously impairs a vulnerable adult's health; (ii) was caused by use of a dangerous weapon as defined in Section 76-1-601; (iii) involves physical torture or causes serious emotional harm to a vulnerable adult; or (iv) creates a reasonable risk of death. (r) "Undue influence" occurs when a person uses the person's role, relationship, or power to exploit, or knowingly assist or cause another to exploit, the trust, dependency, or fear of a vulnerable adult, or uses the person's role, relationship, or power to gain control deceptively over the decision making of the vulnerable adult. (4) (a) A person commits the offense of exploitation of a vulnerable adult when the person: (i) is in a position of trust and confidence, or has a business relationship, with the vulnerable adult or has undue influence over the vulnerable adult and knowingly, by deception or intimidation, obtains or uses, or endeavors to obtain or use, the vulnerable adult's funds, credit, assets, or other property with the intent to temporarily or permanently deprive the vulnerable adult of the use, benefit, or possession of the adult's property, for the benefit of someone other than the vulnerable adult; (ii) knows or should know that the vulnerable adult lacks the capacity to consent, and obtains or uses, or endeavors to obtain or use, or assists another in obtaining or using or endeavoring to obtain or use, the vulnerable adult's funds, assets, or property with the intent to temporarily or permanently deprive the vulnerable adult of the use, benefit, or possession of his property for the benefit of someone other than the vulnerable adult; (iii) unjustly or improperly uses or manages the resources of a vulnerable adult for the profit or advantage of someone other than the vulnerable adult;

	(iv) unjustly or improperly uses a vulnerable adult's power of attorney or guardianship for the profit or advantage of someone other than the vulnerable adult; or (v) involves a vulnerable adult who lacks the capacity to consent in the facilitation or furtherance of any criminal activity. (b) A person is guilty of the offense of exploitation of a vulnerable adult as follows: (i) if done intentionally or knowingly and the aggregate value of the resources used or the profit made is or exceeds $5,000, the offense is a second degree felony; (ii) if done intentionally or knowingly and the aggregate value of the resources used or the profit made is less than $5,000 or cannot be determined, the offense is a third degree felony; (iii) if done recklessly, the offense is a class A misdemeanor; or (iv) if done with criminal negligence, the offense is a class B misdemeanor. (5) It does not constitute a defense to a prosecution for any violation of this section that the accused did not know the age of the victim. (6) An adult is not considered abused, neglected, or a vulnerable adult for the reason that the adult has chosen to rely solely upon religious, nonmedical forms of healing in lieu of medical care.

State Programs

1) Commission on Aging (MDT) at University of Utah
   - Description – this is a multidisciplinary team consisting of members from financial institutions, AARP, the state and health sector. It maintains a coalition trying to pass laws to allow banks to block uncharacteristic transactions. It also publishes annual reports.
2) State Plan on the Alzheimer's disease (Bell, 2012)
   - Description –receives state budget funding
3) Navigating Your Rights: The Utah Legal Guide for Those 55 and Over (Gunther, 2011)
   - Description - Compiled by federal, health, legal organizations

Reporting Process

Mandated?	Yes
Who is mandated?	All citizens (Utah Criminal Code, 2011)
Penalties:	Failure to report is a Class B misdemeanor punishable by 90 days imprisonment and a fine of $250 (Kentucky Revised Statutes 1992, 2011).
Process (if available)	Unknown

Prosecution Process

Unknown

Budget

Division of Aging and Adult Services	FY 2016 $22.8 million (Budget of the State of Utah and Related Appropriations 2015)
State Budget	FY 2016 $676 million (Budget of the State of Utah and Related Appropriations 2015)

Demographics

14.9% over the age of 60 in 2015	(American Fact Finder 2015)
30,000 suffering from Alzheimer's and dementia-related diseases	(Alzheimer's Association 2016)
44% projected growth of elderly* population by 2025	*ages 65 and older (Kem C. Gardner Policy Institute, The University of Utah 2017)
40% projected growth Alzheimer's and dementia-related diseases population by 2025	(Alzheimer's Association 2016)

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Non-Peer State Profiles:

California

Major Takeaways (2-4 conclusions)

California doesn't define what financial exploitation entails (could not find it under Penal Code 368 nor *California Welfare and Institutions Code)* Section 15630-15632.

Reason for Research

It has a comprehensive law on financial exploitation of the elderly.

Political Climate

Special Committees	Committee on Aging and Long-Term Care in the California State Assembly (*in the Assembly*)
Governor	Democrat Jerry Brown
Senate	*Democrats*: 27 *Republican*: 13
Assembly	*Democrats*: 38 *Republicans*: 14

Laws

Civil Cal Wel & Inst Code § 15610.23 (2016)	WELFARE AND INSTITUTIONS CODE Division 9. Public Social Services Part 3. Aid and Medical Assistance Chapter 11. Elder Abuse and Dependent Adult Civil Protection Act Article 2. Definitions § 15610.23. "Dependent adult" (a) "Dependent adult" means any person between the ages of 18 and 64 years who resides in this state and who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights, including, but not limited to, persons who have physical or developmental disabilities, or whose physical or mental abilities have diminished because of age. (b) "Dependent adult" includes any person between the ages of 18 and 64 years who is admitted as an inpatient to a 24-hour health facility, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code.
Civil Cal Wel & Inst Code § 15610.27 (2016)	WELFARE AND INSTITUTIONS CODE Division 9. Public Social Services Part 3. Aid and Medical Assistance Chapter 11. Elder Abuse and Dependent Adult Civil Protection Act

	Article 2. Definitions § 15610.27. "Elder" "Elder" means any person residing in this state, 65 years of age or older.
Civil Cal Wel & Inst Code § 15610.30 (2016)	WELFARE AND INSTITUTIONS CODE Division 9. Public Social Services Part 3. Aid and Medical Assistance Chapter 11. Elder Abuse and Dependent Adult Civil Protection Act Article 2. Definitions § 15610.30. Financial abuse (a) "Financial abuse" of an elder or dependent adult occurs when a person or entity does any of the following: (1) Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both. (2) Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both. (3) Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by undue influence, as defined in Section 15610.70. (b) A person or entity shall be deemed to have taken, secreted, appropriated, obtained, or retained property for a wrongful use if, among other things, the person or entity takes, secretes, appropriates, obtains, or retains the property and the person or entity knew or should have known that this conduct is likely to be harmful to the elder or dependent adult. (c) For purposes of this section, a person or entity takes, secretes, appropriates, obtains, or retains real or personal property when an elder or dependent adult is deprived of any property right, including by means of an agreement, donative transfer, or testamentary bequest, regardless of whether the property is held directly or by a representative of an elder or dependent adult. (d) For purposes of this section, "representative" means a person or entity that is either of the following: (1) A conservator, trustee, or other representative of the estate of an elder or dependent adult. (2) An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney.
Criminal Cal Pen Code § 368 (2016)	PENAL CODE Part 1. Of Crimes and Punishments Title 9. Of Crimes Against the Person Involving Sexual Assault, and Crimes Against Public Decency and Good Morals Chapter 13. Crimes Against Elders, Dependent Adults, and Persons with Disabilities

§ 368. Crimes against elders and dependent adults; Legislative findings; Infliction of pain, injury or endangerment; Theft, embezzlement, forgery, fraud, or identity theft; False imprisonment

(a) The Legislature finds and declares that crimes against elders and dependent adults are deserving of special consideration and protection, not unlike the special protections provided for minor children, because elders and dependent adults may be confused, on various medications, mentally or physically impaired, or incompetent, and therefore less able to protect themselves, to understand or report criminal conduct, or to testify in court proceedings on their own behalf.

(1) Any person who knows or reasonably should know that a person is an elder or dependent adult and who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any elder or dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured, or willfully causes or permits the elder or dependent adult to be placed in a situation in which his or her person or health is endangered, is punishable by imprisonment in a county jail not exceeding one year, or by a fine not to exceed six thousand dollars ($6,000), or by both that fine and imprisonment, or by imprisonment in the state prison for two, three, or four years.

(2) If in the commission of an offense described in paragraph (1), the victim suffers great bodily injury, as defined in Section 12022.7, the defendant shall receive an additional term in the state prison as follows:

(A) Three years if the victim is under 70 years of age.

(B) Five years if the victim is 70 years of age or older.

(3) If in the commission of an offense described in paragraph (1), the defendant proximately causes the death of the victim, the defendant shall receive an additional term in the state prison as follows:

(A) Five years if the victim is under 70 years of age.

(B) Seven years if the victim is 70 years of age or older.

(c) Any person who knows or reasonably should know that a person is an elder or dependent adult and who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any elder or dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured or willfully causes or permits the elder or dependent adult to be placed in a situation in which his or her person or health may be endangered, is guilty of a misdemeanor. A second or subsequent violation of this subdivision is punishable by a fine not to exceed two thousand dollars ($2,000), or by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment.

(d) Any person who is not a caretaker who violates any provision of law proscribing theft, embezzlement, forgery, or fraud, or who violates Section

	530.5 proscribing identity theft, with respect to the property or personal identifying information of an elder or a dependent adult, and who knows or reasonably should know that the victim is an elder or a dependent adult, is punishable as follows: (1) By a fine not exceeding two thousand five hundred dollars ($2,500), or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, or by a fine not exceeding ten thousand dollars ($10,000), or by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years, or by both that fine and imprisonment, when the moneys, labor, goods, services, or real or personal property taken or obtained is of a value exceeding nine hundred fifty dollars ($950). (2) By a fine not exceeding one thousand dollars ($1,000), by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, when the moneys, labor, goods, services, or real or personal property taken or obtained is of a value not exceeding nine hundred fifty dollars ($950). (e) Any caretaker of an elder or a dependent adult who violates any provision of law proscribing theft, embezzlement, forgery, or fraud, or who violates Section 530.5 proscribing identity theft, with respect to the property or personal identifying information of that elder or dependent adult, is punishable as follows: (1) By a fine not exceeding two thousand five hundred dollars ($2,500), or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, or by a fine not exceeding ten thousand dollars ($10,000), or by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years, or by both that fine and imprisonment, when the moneys, labor, goods, services, or real or personal property taken or obtained is of a value exceeding nine hundred fifty dollars ($950). (2) By a fine not exceeding one thousand dollars ($1,000), by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, when the moneys, labor, goods, services, or real or personal property taken or obtained is of a value not exceeding nine hundred fifty dollars ($950). (f) Any person who commits the false imprisonment of an elder or a dependent adult by the use of violence, menace, fraud, or deceit is punishable by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years. (g) As used in this section, "elder" means any person who is 65 years of age or older. (h) As used in this section, "dependent adult" means any person who is between the ages of 18 and 64, who has physical or mental limitations which restrict his or her ability to carry out normal activities or to protect his or her rights, including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. "Dependent adult" includes any person between the ages of 18 and 64 who is admitted as an inpatient to a 24-hour health

	facility, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code. (i) As used in this section, "caretaker" means any person who has the care, custody, or control of, or who stands in a position of trust with, an elder or a dependent adult. (j) Nothing in this section shall preclude prosecution under both this section and Section 187 or 12022.7 or any other provision of law. However, a person shall not receive an additional term of imprisonment under both paragraphs (2) and (3) of subdivision (b) for any single offense, nor shall a person receive an additional term of imprisonment under both Section 12022.7 and paragraph (2) or (3) of subdivision (b) for any single offense. (k) In any case in which a person is convicted of violating these provisions, the court may require him or her to receive appropriate counseling as a condition of probation. Any defendant ordered to be placed in a counseling program shall be responsible for paying the expense of his or her participation in the counseling program as determined by the court. The court shall take into consideration the ability of the defendant to pay, and no defendant shall be denied probation because of his or her inability to pay.

Budget

Department of Aging	FY 2016 $201,575,000 (California Department of Finance 2017)
State Budget	FY 2016 $170.9 billion (Public Policy Institute of California 2017)

Demographics

18.7% over the age of 60 in 2015	(American Fact Finder 2015)
610,000 suffering from Alzheimer’s and dementia-related diseases	(Alzheimer’s Association 2016)
9.5% projected growth of elderly* population by 2025	*ages 60 and older (California Department of Finance: Demographic Research Unit 2017)
37.7% projected growth Alzheimer’s and dementia-related diseases population by 2025	(Alzheimer’s Association 2016)

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Delaware

Major Takeaways (2-4 conclusions)

Financial institutions and nursing home facilities are both required to report suspected elder financial exploitation.
Senior Protection Initiative is run by the Delaware Attorney General's Office and consists of a three part approach: Public Education, Law Enforcement Education, and a Multidisciplinary Team (MDT) comprised of prosecutors, police, and social services representatives to promote awareness regarding elder abuse, neglect, and financial exploitation.

Reason for Research

Recently passed legislation requiring financial advisors to report suspected financial exploitation. H.B. 17 Signed by governor 6/4/15, Chapter 31

Political Climate

Special Committees	None
Governor	Democrat John Carney
Senate	*Democrats*: 10 *Republican*: 10
House	*Democrats*: 25 *Republicans*: 16

Laws

Civil 31 Del. C. § 3902 (2016)	TITLE 31. WELFARE PART II. WELFARE AGENCIES CHAPTER 39. ADULT PROTECTIVE SERVICES § 3902. Definitions. (10) "Exploitation" means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another. (11) “Financial Exploitation” means the illegal or improper use, control over, or withholding of the property, income, resources, or trust funds of the elderly person or the vulnerable adult by any person or entity for any person's or entity's profit or advantage other than for the elder person or the vulnerable adult's profit or advantage. “Financial exploitation” includes, but is not limited to: a. The use of deception, intimidation, or undue influence by a person or entity in a position of trust and confidence with an elderly person or a vulnerable adult to obtain or use the property, income, resources, or trust funds of the elderly person or the vulnerable adult for the benefit of a person or entity other than the elderly person or the vulnerable adult;

	b. The breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust, or a guardianship appointment, that results in the unauthorized appropriation, sale, or transfer of the property, income, resources, or trust funds of the elderly person or the vulnerable adult for the benefit of a person or entity other than the elderly person or the vulnerable adult; and c. Obtaining or using an elderly person or a vulnerable adult's property, income, resources, or trust funds without lawful authority, by a person or entity who knows or clearly should know that the elderly person or the vulnerable adult lacks the capacity to consent to the release or use of his or her property, income, resources, or trust funds. (2) "Adult who is impaired" shall mean any person 18 years of age or over who, because of physical or mental disability, is substantially impaired in the ability to provide adequately for the person's own care and custody. (23) "Vulnerable adult" means an adult who meets the criteria set forth in § 1105(c) of Title 11.
Criminal 11 Del. C. §1105 (2016)	Title 11. Crimes and Criminal Procedure. Part 1. Delaware Criminal Code. Chapter 5. Specific Offenses. Subchapter 5. Offenses Relating to Children and Vulnerable Adults. Subpart A. Child Welfare; Sexual Offenses. § 1105. Crimes Against a Vulnerable Adult Any person who commits, or attempts to commit, any of the crimes or offenses set forth in subsection (f) of this section against a person who is a vulnerable adult is guilty of a crime against a vulnerable adult. (c) "Vulnerable adult" means a person 18 years of age or older who, by reason of isolation, sickness, debilitation, mental illness or physical, mental or cognitive disability, is easily susceptible to abuse, neglect, mistreatment, intimidation, manipulation, coercion or exploitation. Without limitation, the term "vulnerable adult" includes any adult for whom a guardian or the person or property has been appointed.
Criminal 11 Del. C. §222 (2016)	Title 11. Crimes and Criminal Procedure. Part 1. Delaware Criminal Code. Chapter 2. General Provisions Concerning Offenses. § 222. General definitions. (9) "Elderly person" means any person who is 62 years of age or older. Thus, the terms "elderly person" and "person who is 62 years of age or older" shall have the same meaning as used in this Code or in any action brought pursuant to this Code.
Criminal 31 Del. C. § 3902 (2016)	TITLE 31. WELFARE PART II. WELFARE AGENCIES CHAPTER 39. ADULT PROTECTIVE SERVICES

§ 3902. Definitions

As used in this chapter:

(1) “Abuse” means:

a. Physical abuse by unnecessarily inflicting pain or injury on an adult who is impaired; or

b. A pattern of emotional abuse, which includes, but is not limited to, ridiculing or demeaning an adult who is impaired making derogatory remarks to an adult who is impaired or cursing or threatening to inflict physical or emotional harm on an adult who is impaired.

(2) “Adult who is impaired” shall mean any person 18 years of age or over who, because of physical or mental disability, is substantially impaired in the ability to provide adequately for the person’s own care and custody.

(3) “Caregiver” means any adult who has assumed the permanent or temporary care, custody or responsibility for the supervision of an adult who is impaired.

(4) “Court” means the Court of Chancery of the State.

(5) “Department” means the Department of Health and Social Services of the State.

(6) “Elderly person” has the same meaning as defined in § 222 of Title 11.

(7) “Emergency” means that a person is living in conditions which present a substantial risk of serious harm and includes, but is not limited to, problems which cannot be managed by a person who is impaired, such as insufficient food supply, inadequate shelter, threatened or actual abuse or utility shut-off. Emergency does not mean psychiatric emergency as provided for in Chapter 50 of Title 16.

(8) “Emergency services” are protective services furnished to a person in an emergency.

(9) “Essential services” shall refer to those physical, medical, social, psychiatric or legal services necessary to safeguard the person, rights and resources of the person who is impaired and to maintain the person’s physical and mental well-being. These services shall include, but not be

	limited to, adequate food and clothing, heated and sanitary shelter, medical care for physical and mental health needs, assistance in personal hygiene, protection from health and safety hazards, protection from physical or mental injury or exploitation. (10) “Exploitation” means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another. (11) “Financial exploitation” means the illegal or improper use, control over, or withholding of the property, income, resources, or trust funds of the elderly person or the vulnerable adult by any person or entity for any person's or entity's profit or advantage other than for the elder person or the vulnerable adult's profit or advantage. “Financial exploitation” includes, but is not limited to: a. The use of deception, intimidation, or undue influence by a person or entity in a position of trust and confidence with an elderly person or a vulnerable adult to obtain or use the property, income, resources, or trust funds of the elderly person or the vulnerable adult for the benefit of a person or entity other than the elderly person or the vulnerable adult; b. The breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust, or a guardianship appointment, that results in the unauthorized appropriation, sale, or transfer of the property, income, resources, or trust funds of the elderly person or the vulnerable adult for the benefit of a person or entity other than the elderly person or the vulnerable adult; and c. Obtaining or using an elderly person or a vulnerable adult's property, income, resources, or trust funds without lawful authority, by a person or entity who knows or clearly should know that the elderly person or the vulnerable adult lacks the capacity to consent to the release or use of his or her property, income, resources, or trust funds. (12) “Financial institution” means any of the following: a. A “depository institution,” as defined in § 3(c) of the Federal Deposit Insurance Act (12 U.S.C. § 1813(c)). b. A “federal credit union” or “state credit union,” as defined in § 101 of the Federal Credit Union Act (12 U.S.C. § 1752), including, but not limited to, an institution-affiliated party of a credit union, as defined in § 206(r) of the Federal Credit Union Act (12 U.S.C. § 1786(r)).

	c. An “institution-affiliated party,” as defined in § 3(u) of the Federal Deposit Insurance Act (12 U.S.C. § 1813(u)). d. A “broker-dealer,” “investment adviser,” or “federal covered adviser,” as defined in § 73-103 of Title 6. (13) “Hazardous living condition” means a mode of life which contains a substantial risk of physical injury, or mental distress, or exploitation. (14) “Independent living arrangement” means a mode of life pursued by a person capable of providing for the person’s own care or who, while impaired, nevertheless is able to live outside an institution with assistance in obtaining essential services. (15) “Interested person” means any adult relative or friend of a person who is impaired; an official or representative of the protective services agency or of any public or nonpublic private agency; or any corporation, board, organization or person designated by the Court to act in the interest of the person who is impaired. (16) “Mistreatment” means the failure to provide appropriate physical or emotional care to an adult who is impaired, including the inappropriate use of medications, isolation or physical or chemical restraints on or of an adult who is impaired. (17) “Neglect” means: a. Lack of attention by a caregiver to physical needs of an adult who is impaired including but not limited to toileting, bathing, meals and safety; b. Failure by a caregiver to carry out a treatment plan prescribed by a health care professional for an adult who is impaired; or c. Intentional and permanent abandonment or desertion in any place of an adult who is impaired by a caregiver who does not make reasonable efforts to ensure that essential services, as defined in this section, will be provided for said adult who is impaired. (18) “Person who is incapacitated” means a person for whom a guardian of person or property, or both, shall be appointed, under § 3901 of Title 12. (19) “Physical or mental disability” shall include any physical or mental disability and shall include, but not be limited to, intellectual and developmental disabilities, brain damage, physical degeneration,

	deterioration, senility, disease, habitual drunkenness or addiction to drugs, and mental or physical impairment. (20) “Protective placement” means the transfer of a person out of an independent living arrangement. (21) “Public Guardian” means the Office of the Public Guardian. (22) “Substantially impaired in the ability to provide adequately for the person’s own care and custody” means the the person who is impaired is unable to perform or obtain for himself or herself essential services. (23) “Vulnerable adult” means an adult who meets the criteria set forth in § 1105(c) of Title 11.
Criminal 31 Del. C. § 3913 (2016)	TITLE 31. WELFARE PART II. WELFARE AGENCIES CHAPTER 39. ADULT PROTECTIVE SERVICES § 3913. Violations (a) Any person who knowingly or recklessly abuses, neglects, exploits or mistreats an adult who is impaired shall be guilty of a class A misdemeanor. (b) Any person who knowingly or recklessly exploits an adult who is impaired by using the resources of an adult who is impaired shall be guilty of a class A misdemeanor where the value of the resources is less than $500 and a class G felony where the value of the resources is $500 or more but less than $5,000. If the value of the resources is $5,000 or more but less than $10,000, the person shall be guilty of a class E felony. If the value of the resources is $10,000 or more but less than $50,000, the person shall be guilty of a class D felony and if the value of the resources is $50,000 or more the person shall be guilty of a class C felony. Any subsequent conviction under this subsection shall be treated as a class C felony regardless of the amount of resources exploited. (c) Any person who knowingly or recklessly abuses, neglects, exploits or mistreats an adult who is impaired, and causes bodily harm, permanent disfigurement or permanent disability shall be guilty of a class D felony. Where the abuse, mistreatment or neglect results in death, such person shall be guilty of a class A felony.

Budget

Division on Aging	FY 2016 $62,300,800 (State of Delaware: Office of Management and Budget, Budget Development, Planning, and Administration 2016)
State Budget	FY 2016 3.9 billion (State of Delaware: Office of Management and Budget, Budget Development, Planning, and Administration 2016)

Demographics

22.1% over the age of 60 in 2015	(American Fact Finder 2015)
17,000 suffering from Alzheimer's and dementia-related diseases	(Alzheimer's Association 2016)
36% projected growth of elderly* population by 2025	*ages 60 and older (State of Delaware: The Delaware Population Consortium 2016)
35.3% projected growth Alzheimer's and dementia-related diseases population by 2025	(Alzheimer's Association 2016)

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Minnesota

Major Takeaways (2-4 conclusions)

The Minnesota Adult Abuse Reporting Center (MAARC), is the common entry point under Minnesota Statutes 626.557. MAARC operates 24 hours a day, seven days a week for the public and mandated reporters.
Minnesota will enhance its current data collection system to capture data on maltreatment risk. Minnesota will also develop effective evidence-based practices for remediating abuse, neglect, and exploitation of vulnerable adults

Reason for Research

Minnesota was chosen because it has specific statutes on financial exploitation and according to Hansen et al, an expansive definition (Hansen et al. 2016).

Political Climate

Special Committees	1) Minnesota Board on Aging (*in the Governor's Office*)
Governor	Democrat Mark Dayton
Senate	*Democrats*: 33 *Republican*: 34
House	*Democrats*: 76 *Republicans*: 57

Laws

Civil Minn. Stat. § 626.5572 (2016)	CRIMINAL PROCEDURE CHAPTER 626. PEACE OFFICERS; AUTHORITY; TRAINING; REPORTING Chapter 626. Peace Officers; Authority; Training; Reporting 626.5572 DEFINITIONS Subd. 9. Financial exploitation. "Financial exploitation" means: (a) In breach of a fiduciary obligation recognized elsewhere in law, including pertinent regulations, contractual obligations, documented consent by a competent person, or the obligations of a responsible party under section 144.6501, a person: (1) engages in unauthorized expenditure of funds entrusted to the actor by the vulnerable adult which results or is likely to result in detriment to the vulnerable adult; or (2) fails to use the financial resources of the vulnerable adult to provide food, clothing, shelter, health care, therapeutic conduct or supervision for the vulnerable adult, and the failure results or is likely to result in detriment to the vulnerable adult. (b) In the absence of legal authority a person:

	(1) willfully uses, withholds, or disposes of funds or property of a vulnerable adult; (2) obtains for the actor or another the performance of services by a third person for the wrongful profit or advantage of the actor or another to the detriment of the vulnerable adult; (3) acquires possession or control of, or an interest in, funds or property of a vulnerable adult through the use of undue influence, harassment, duress, deception, or fraud; or (4) forces, compels, coerces, or entices a vulnerable adult against the vulnerable adult's will to perform services for the profit or advantage of another. (c) Nothing in this definition requires a facility or caregiver to provide financial management or supervise financial management for a vulnerable adult except as otherwise required by law. Subd. 21. Vulnerable adult. --"Vulnerable adult" means any person 18 years of age or older who: (1) is a resident or inpatient of a facility; (2) receives services required to be licensed under chapter 245A, except that a person receiving outpatient services for treatment of chemical dependency or mental illness, or one who is served in the Minnesota sex offender program on a court-hold order for commitment, or is committed as a sexual psychopathic personality or as a sexually dangerous person under chapter 253B, is not considered a vulnerable adult unless the person meets the requirements of clause (4); (3) receives services from a home care provider required to be licensed under section 144A.46; or from a person or organization that offers, provides, or arranges for personal care assistance services under the medical assistance program as authorized under section 256B.0625, subdivision 19a, 256B.0651, 256B.0653, 256B.0654, 256B.0659, or 256B.85; or (4) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction: (i) that impairs the individual's ability to provide adequately for the individual's own care without assistance, including the provision of food, shelter, clothing, health care, or supervision; and (ii) because of the dysfunction or infirmity and the need for assistance, the individual has an impaired ability to protect the individual from maltreatment.
Criminal Minn. Stat. § 609.232 (2015)	CRIMES, CRIMINALS CHAPTER 609. CRIMINAL CODE CRIMES AGAINST THE PERSON 609.232 CRIMES AGAINST VULNERABLE ADULTS; DEFINITIONS

	Subdivision 1. Scope. -- As used in sections 609.2325, 609.233, 609.2335, and 609.234, the terms defined in this section have the meanings given. Subd. 2. Caregiver. -- "Caregiver" means an individual or facility who has responsibility for the care of a vulnerable adult as a result of a family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, by contract, or by agreement. Subd. 3. Facility. (a) "Facility" means a hospital or other entity required to be licensed under sections 144.50 to 144.58; a nursing home required to be licensed to serve adults under section 144A.02; a home care provider licensed or required to be licensed under section 144A.46; a residential or nonresidential facility required to be licensed to serve adults under sections 245A.01 to 245A.16; or a person or organization that exclusively offers, provides, or arranges for personal care assistance services under the medical assistance program as authorized under sections 256B.04, subdivision 16, 256B.0625, subdivision 19a, 256B.0651, and 256B.0653 to 256B.0656. (b) For home care providers and personal care attendants, the term "facility" refers to the provider or person or organization that exclusively offers, provides, or arranges for personal care services, and does not refer to the client's home or other location at which services are rendered. Subd. 4. Immediately. -- "Immediately" means as soon as possible, but no longer than 24 hours from the time of initial knowledge that the incident occurred has been received. Subd. 5. Legal authority. -- "Legal authority" includes, but is not limited to: (1) a fiduciary obligation recognized elsewhere in law, including pertinent regulations; (2) a contractual obligation; or (3) documented consent by a competent person. Subd. 6. Maltreatment. -- "Maltreatment" means any of the following: (1) abuse under section 609.2325; (2) neglect under section 609.233; or (3) financial exploitation under section 609.2335. Subd. 7. Operator. -- "Operator" means any person whose duties and responsibilities evidence actual control of administrative activities or authority for the decision making of or by a facility. Subd. 8. Person. -- "Person" means any individual, corporation, firm, partnership, incorporated and unincorporated association, or any other legal, professional, or commercial entity. Subd. 9. Report. -- "Report" means a statement concerning all the circumstances surrounding the alleged or suspected maltreatment, as defined in this section, of a vulnerable adult which are known to the reporter at the time the statement is made.

	Subd. 10. Therapeutic conduct. -- "Therapeutic conduct" means the provision of program services, health care, or other personal care services done in good faith in the interests of the vulnerable adult by: (1) an individual, facility or employee, or person providing services in a facility under the rights, privileges, and responsibilities conferred by state license, certification, or registration; or (2) a caregiver. Subd. 11. Vulnerable adult. -- "Vulnerable adult" means any person 18 years of age or older who: (1) is a resident inpatient of a facility; (2) receives services at or from a facility required to be licensed to serve adults under sections 245A.01 to 245A.15, except that a person receiving outpatient services for treatment of chemical dependency or mental illness, or one who is committed as a sexual psychopathic personality or as a sexually dangerous person under chapter 253B, is not considered a vulnerable adult unless the person meets the requirements of clause (4); (3) receives services from a home care provider required to be licensed under section 144A.46; or from a person or organization that exclusively offers, provides, or arranges for personal care assistance services under the medical assistance program as authorized under sections 256B.04, subdivision 16, 256B.0625, subdivision 19a, 256B.0651 to 256B.0656 and 256B.0659; or (4) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction: (i) that impairs the individual's ability to provide adequately for the individual's own care without assistance, including the provision of food, shelter, clothing, health care, or supervision; and (ii) because of the dysfunction or infirmity and the need for assistance, the individual has an impaired ability to protect the individual from maltreatment.
Criminal Minn. Stat. § 609.2335 (2015)	Crimes, Criminals Chapter 609. Criminal Code Crimes Against the Person 609.2335 FINANCIAL EXPLOITATION OF VULNERABLE ADULT Subdivision 1. Crime. -- Whoever does any of the following acts commits the crime of financial exploitation: (1) in breach of a fiduciary obligation recognized elsewhere in law, including pertinent regulations, contractual obligations, documented consent by a competent person, or the obligations of a responsible party under section 144.6501 intentionally: (i) fails to use the real or personal property or other financial resources of the vulnerable adult to provide food, clothing, shelter, health care, therapeutic conduct, or supervision for the vulnerable adult;

	(ii) uses, manages, or takes either temporarily or permanently the real or personal property or other financial resources of the vulnerable adult, whether held in the name of the vulnerable adult or a third party, for the benefit of someone other than the vulnerable adult; or (iii) deprives either temporarily or permanently a vulnerable adult of the vulnerable adult's real or personal property or other financial resources, whether held in the name of the vulnerable adult or a third party, for the benefit of someone other than the vulnerable adult; or (2) in the absence of legal authority: (i) acquires possession or control of an interest in real or personal property or other financial resources of a vulnerable adult, whether held in the name of the vulnerable adult or a third party, through the use of undue influence, harassment, or duress; (ii) forces, compels, coerces, or entices a vulnerable adult against the vulnerable adult's will to perform services for the profit or advantage of another; or (iii) establishes a relationship with a fiduciary obligation to a vulnerable adult by use of undue influence, harassment, duress, force, compulsion, coercion, or other enticement. Subd. 2. Defenses. (a) Nothing in this section requires a facility or caregiver to provide financial management or supervise financial management for a vulnerable adult except as otherwise required by law. (b) If the actor knew or had reason to know that the vulnerable adult lacked capacity to consent, consent is not a defense to a violation of this section. Subd. 3. Criminal penalties. -- A person who violates subdivision 1, clause (1) or (2), item (i), may be sentenced as provided in section 609.52, subdivision 3. A person who violates subdivision 1, clause (2), item (ii) or (iii), may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than $ 3,000, or both. Subd. 4. Aggregation. -- In any prosecution under this section, the value of the money or property or services received by the defendant within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of subdivision 3; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this subdivision. Subd. 5. Venue. -- Notwithstanding anything to the contrary in section 627.01, an offense committed under this section may be prosecuted in: (1) the county where any part of the offense occurred; or (2) the county of residence of the victim or one of the victims.

Budget

Department of Human Services (delivers all elder services)	FY 2016 $11,820,505 (Office of Minnesota Management and Budget 2016)
State Budget	FY 2016 $28 billion (Office of Minnesota Management and Budget

Demographics

19.8% over the age of 60 in 2015	(American Fact Finder 2015)
91,000 suffering from Alzheimer's and dementia-related diseases	(Alzheimer's Association 2016)
8% projected growth of elderly* population by 2025	*ages 60 and older (Minnesota Department of Administration 2015)
31.9% projected growth Alzheimer's and dementia-related diseases population by 2025	(Alzheimer's Association 2016)

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Missouri

Major Takeaways (2-4 conclusions)

Missouri's elder financial exploitation policies and programming are supported by detailed definitions of financial exploitation and a dedicated initiative developed to prevent and detect the issue. However, evidence supporting the effectiveness of these measures are unavailable, leaving the Missouri model largely untested.

Reason for Research

Missouri was selected as a model state for research because of its similarity to the Texas political climate and because the state's legislature had recently updated their policies regarding elder financial exploitation.

Political Climate

Special Committees	None
Governor	Republican Eric Greitens
Senate	*Democrats*: 6 *Republican*: 26
House	*Democrats*: 46 *Republicans*: 117

Laws

Civil § 192.2005 R.S.Mo. (2014)	TITLE 8. PUBLIC HEALTH AND WELFARE CHAPTER 192. DEPARTMENT OF HEALTH AND SENIOR SERVICES Assistance for Elderly and Low-Income Disabled Adults § 192.2005. Definitions (5) "Elderly" or "elderly persons", persons who are sixty years of age or older; (6) "Disability", a mental or physical impairment that substantially limits one or more major life activities, whether the impairment is congenital or acquired by accident, injury or disease, where such impairment is verified by medical findings;
Civil § 192.2400 R.S.Mo. (2014)	TITLE 8. PUBLIC HEALTH AND WELFARE CHAPTER 192. DEPARTMENT OF HEALTH AND SENIOR SERVICES ADULT DAY CARE PROGRAMS § 192.2400. Definitions (5) "Eligible adult", a person sixty years of age or older who is unable to protect his or her own interests or adequately perform or obtain services which are necessary to meet his or her essential human needs or an adult with a disability, as defined in section 192.2005, between the ages of

	eighteen and fifty-nine who is unable to protect his or her own interests or adequately perform or obtain services which are necessary to meet his or her essential human needs;
Criminal MO. ANN. STAT. § 570.145 (2016) (Effective until Jan. 1, 2017)	Title 38. Crimes and Punishment; Peace Officers and Public Defenders (Chs. 556-600) Chapter 570. Stealing and Related Offenses § 570.145. Financial exploitation of the elderly and disabled, penalty -- definitions 1. A person commits the crime of financial exploitation of an elderly or disabled person if such person knowingly by deception, intimidation, undue influence, or force obtains control over the elderly or disabled person's property with the intent to permanently deprive the elderly or disabled person of the use, benefit or possession of his or her property thereby benefitting such person or detrimentally affecting the elderly or disabled person. Financial exploitation of an elderly or disabled person is a class A misdemeanor if the value of the property is less than fifty dollars, a class D felony if the value of the property is fifty dollars but less than five hundred dollars, a class C felony if the value of the property is five hundred dollars but less than one thousand dollars, a class B felony if the value of the property is one thousand dollars but less than fifty thousand dollars, and a class A felony if the value of the property is fifty thousand dollars or more. 2. For purposes of this section, the following terms mean: (1) "Deception", a misrepresentation or concealment of material fact relating to the terms of a contract or agreement entered into with the elderly or disabled person or to the existing or preexisting condition of any of the property involved in such contract or agreement, or the use or employment of any misrepresentation, false pretense or false promise in order to induce, encourage or solicit the elderly or disabled person to enter into a contract or agreement. Deception includes: (a) Creating or confirming another person's impression which is false and which the offender does not believe to be true; or (b) Failure to correct a false impression which the offender previously has created or confirmed; or (c) Preventing another person from acquiring information pertinent to the disposition of the property involved; or (d) Selling or otherwise transferring or encumbering 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) Promising performance which the offender does not intend to perform or knows will not be performed. Failure to perform standing alone is not sufficient evidence to prove that the offender did not intend to perform;

	(2) "Disabled person", a person with a mental, physical, or developmental disability that substantially impairs the person's ability to provide adequately for the person's care or protection; (3) "Elderly person", a person sixty years of age or older; (4) "Intimidation", a threat of physical or emotional harm to an elderly or disabled person, or the communication to an elderly or disabled person that he or she will be deprived of food and nutrition, shelter, prescribed medication, or medical care and treatment; (5) "Undue influence", use of influence by someone who exercises authority over an elderly person or disabled person in order to take unfair advantage of that persons's vulnerable state of mind, neediness, pain, or agony. Undue influence includes, but is not limited to, the improper or fraudulent use of a power of attorney, guardianship, conservatorship, or other fiduciary authority. 3. Nothing in this section shall be construed to limit the remedies available to the victim pursuant to any state law relating to domestic violence. 4. Nothing in this section shall be construed to impose criminal liability on a person who has made a good faith effort to assist the elderly or disabled person in the management of his or her property, but through no fault of his or her own has been unable to provide such assistance. 5. Nothing in this section shall limit the ability to engage in bona fide estate planning, to transfer property and to otherwise seek to reduce estate and inheritance taxes; provided that such actions do not adversely impact the standard of living to which the elderly or disabled person has become accustomed at the time of such actions. 6. It shall not be a defense to financial exploitation of an elderly or disabled person that the accused reasonably believed that the victim was not an elderly or disabled person. 7. (1) It shall be unlawful in violation of this section for any person receiving or in the possession of funds of a Medicaid-eligible elderly or disabled person residing in a facility licensed under chapter 198 to fail to remit to the facility in which the Medicaid-eligible person resides all money owing the facility resident from any source, including, but not limited to, Social Security, railroad retirement, or payments from any other source disclosed as resident income contained in the records of the department of social services, family support division or its successor. The department of social services, family support division or its successor is authorized to release information from its records containing the resident's income or assets to any prosecuting or circuit attorney in the state of Missouri for purposes of investigating or prosecuting any suspected violation of this section. (2) The prosecuting or circuit attorney of any county containing a facility licensed under chapter 198, who successfully prosecutes a violation of the provisions of this subsection, may request the circuit court of the county in which the offender admits to or is found * guilty of

	a violation, as a condition of sentence and/or probation, to order restitution of all amounts unlawfully withheld from a facility in his or her county. Any order of restitution entered by the court or by agreement shall provide that ten percent of any restitution installment or payment paid by or on behalf of the defendant or defendants shall be paid to the prosecuting or circuit attorney of the county successfully prosecuting the violation to compensate for the cost of prosecution with the remaining amount to be paid to the facility.
Criminal § 570.145 R.S.Mo. (2016)	TITLE 38. CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS (Chs. 556-600) CHAPTER 570. STEALING AND RELATED OFFENSES § 570.145. Financial exploitation of the elderly and disabled, penalty – definitions--person receiving funds for Medicaid eligible person must remit moneys from other sources, violation, penalty 1. A person commits the crime of financial exploitation of an elderly or disabled person if such person knowingly by deception, intimidation, undue influence, or force obtains control over the elderly or disabled person's property with the intent to permanently deprive the elderly or disabled person of the use, benefit or possession of his or her property thereby benefitting such person or detrimentally affecting the elderly or disabled person. Financial exploitation of an elderly or disabled person is a class A misdemeanor if the value of the property is less than fifty dollars, a class D felony if the value of the property is fifty dollars but less than five hundred dollars, a class C felony if the value of the property is five hundred dollars but less than one thousand dollars, a class B felony if the value of the property is one thousand dollars but less than fifty thousand dollars, and a class A felony if the value of the property is fifty thousand dollars or more. 2. For purposes of this section, the following terms mean: (1) "Deception", a misrepresentation or concealment of material fact relating to the terms of a contract or agreement entered into with the elderly or disabled person or to the existing or preexisting condition of any of the property involved in such contract or agreement, or the use or employment of any misrepresentation, false pretense or false promise in order to induce, encourage or solicit the elderly or disabled person to enter into a contract or agreement. Deception includes: (a) Creating or confirming another person's impression which is false and which the offender does not believe to be true; or (b) Failure to correct a false impression which the offender previously has created or confirmed; or (c) Preventing another person from acquiring information pertinent to the disposition of the property involved; or (d) Selling or otherwise transferring or encumbering 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) Promising performance which the offender does not intend to perform or knows will not be performed. Failure to perform standing alone is not sufficient evidence to prove that the offender did not intend to perform;

Budget

Division of Senior and Disability Services	FY 2016 $862,083,975 (Missouri Division of Budget and Planning 2016)
State Budget	FY 2016 $27,322,994,885 (Missouri Division of Budget and Planning 2016)

Demographics

15% over the age of 60 in 2015	(American Fact Finder 2015)
110,000 suffering from Alzheimer's and dementia-related diseases	(Alzheimer's Association 2016)
4.1% projected growth of elderly* population by 2025	*ages 60 and older (Administration on Aging 2014)
18.2% projected growth Alzheimer's and dementia-related diseases population by 2025	(Alzheimer's Association 2016)

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New York

Major Takeaways (2-4 conclusions)

Similar projected rise in elderly population to Texas.
Does not mandate reporting (New York Social Services 2015).
New York State Assembly has at least two committees (one standing and one subcommittee) that address issues on aging.

Reason for Research

New York, unlike other states, does not mandate reporting. A 2016 study, New York State Cost of Financial Exploitation Study, is one of the most comprehensive studies to quantify both the f**inancial and the non-financial costs of financial exploitation of vulnerable adults.** This study includes the largest number of Adult Protective Services (APS) financial exploitation cases to date in any single state.

Political Climate

Special Committees	1) Standing Committee on Aging (*in the Senate*) 2) Subcommittee on Outreach and Oversight of Senior Citizen Programs (*in the Senate*)
Governor	Democrat Andrew Cuomo
Senate	*Democrats*: 32 *Republican*: 31
Assembly	*Democrats*: 62 *Republicans*: 106 *Independent*: 1

Laws

Civil NY CLS Soc Serv § 473 (2016)	SOCIAL SERVICES LAW ARTICLE 9-B. ADULT PROTECTIVE SERVICES TITLE 1. PROTECTIVE SERVICES § 473. Protective services 6. Definitions. When used in this title unless otherwise expressly stated or unless the context or subject matter requires a different interpretation: (g) "Financial exploitation" means improper use of an adult's funds, property or resources by another individual, including but not limited to, fraud, false pretenses, embezzlement, conspiracy, forgery, falsifying records, coerced property transfers or denial of access to assets. (unable to locate a definition of adult)
Civil NY EXEC §837-f-1 (2016)	EXECUTIVE LAW CHAPTER 18. OF THE CONSOLIDATED LAWS ARTICLE 35. DIVISION OF CRIMINAL JUSTICE SERVICES

	1. For purposes of this section: (a) “Vulnerable adult” shall mean an individual eighteen years of age or older who has a cognitive impairment, mental disability, or brain disorder and whose disappearance has been determined by law enforcement to pose a creditable threat of harm to such missing individual. Note: This definition comes from another section; however, it was the only definition of “vulnerable adult” I was able to find in the NY statutes.

Budget

Office for the Aging	FY 2016 $256,300,000 (New York State 2016)
State Budget	FY 2016 $155.6 billion (The New York State Senate 2016)

Demographics

20.9% over the age of 60 in 2015	(American Fact Finder 2015)
390,000 suffering from Alzheimer’s and dementia-related diseases	(Alzheimer’s Association 2016)
11% projected growth of elderly* population by 2025	*ages 60 and older (Cornell University 2011)
17.9% projected growth Alzheimer’s and dementia-related diseases population by 2025	(Alzheimer’s Association 2016)

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Washington

Major Takeaways (2-4 conclusions)

Initiative 1501 increased criminal identity-theft penalties, expanded civil liability for consumer fraud targeting seniors and vulnerable individuals, and exempted certain information of vulnerable individuals and in-home caregivers from public disclosure.
The State of Washington has two state plans: State plan on aging, Washington State Plan to Address Alzheimer's Disease and Other Dementias and a Strategic Metrics plan for measuring goals and their outcomes.

Reason for Research

Washington passed initiative 1501 in November 2016 to increase criminal identity theft penalties and expand liability for consumer fraud that affects vulnerable individuals and the elderly.

Political Climate

Special Committees	Joint Legislative Executive Committee on Aging and Disability (*in the Legislature)*
Governor	Democrat Jay Inslee
Senate	*Democrats*: 23 *Republican*: 23
House	*Democrats*: 50 *Republicans*: 48

Laws

Civil Rev. Code Wash. (ARCW) § 74.34.020 (2016)	TITLE 74. PUBLIC ASSISTANCE CHAPTER 74.34. ABUSE OF VULNERABLE ADULTS § 74.34.020. Definitions (6) "Financial exploitation" means the illegal or improper use, control over, or withholding of the property, income, resources, or trust funds of the vulnerable adult by any person or entity for any person's or entity's profit or advantage other than for the vulnerable adult's profit or advantage. "Financial exploitation" includes, but is not limited to: (a) The use of deception, intimidation, or undue influence by a person or entity in a position of trust and confidence with a vulnerable adult to obtain or use the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult; (b) The breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust, or a guardianship appointment, that results in the unauthorized appropriation, sale, or transfer of the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult; or

	(c) Obtaining or using a vulnerable adult's property, income, resources, or trust funds without lawful authority, by a person or entity who knows or clearly should know that the vulnerable adult lacks the capacity to consent to the release or use of his or her property, income, resources, or trust funds. (10) "Incapacitated person" means a person who is at a significant risk of personal or financial harm under RCW 11.88.010(1) (a), (b), (c), or (d). (17) "Vulnerable adult" includes a person: (a) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or (b) Found incapacitated under chapter 11.88 RCW; or (c) Who has a developmental disability as defined under RCW 71A.10.020; or (d) Admitted to any facility; or (e) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or (f) Receiving services from an individual provider; or (g) Who self-directs his or her own care and receives services from a personal aide under chapter 74.39 RCW.

Budget

Aging and Adult Services	FY 2016 $4,496,000,000 (Aging and Long Term Support Administration, 2017)
State Budget	FY 2016 $79,6 billion (Operating Budget, 2015)

Demographics

19.7% over the age of 60 in 2015	(American Fact Finder 2015)
100,000 suffering from Alzheimer's and dementia-related diseases	(Alzheimer's Association 2016)
46.1% projected growth of elderly* population by 2025	*ages 60 and older (Washington State Office of Financial Management 2016)
40% projected growth Alzheimer's and dementia-related diseases population by 2025	(Alzheimer's Association 2016)

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Appendix C: Methodology of Utah and New York

FINANCIAL EXPLOITATION

of the Alzheimer's-affected, elderly population

Victims experiencing financial hardship resulting from stolen monetary or physical assets rely on state-offered social services for food, medical care, and housing, placing a strain on state expenditures. Only two states--Utah and New York-- have conducted research to measure the cost of elder financial exploitation on both the victim and the state.

UTAH (2011)

Sample: 52 cases of financial exploitation

Variables:
- Victim losses
- Referral source
- Perpetrator-victim relationship
- Type of assets taken
- Method of financial exploitation
- Vulnerability/impairment of victim

CHARACTERISICS

Victims
Limited to no capacity

Perpetrator
Family (Adult Child)

COSTS

Total reported losses
$4.8 million

Average Loss
$91,658

Average Loss of Mentally Impaired
$117,414

Estimated Economic Loss
$48 - $209 million

NEW YORK (2016)

Sample: 928 cases of financial exploitation

Variables:
- Victim losses
- Referral source
- Perpetrator-victim relationship
- Type of assets taken
- Method of financial exploitation
- Vulnerability/impairment of victim
- Client demographics
- Impact on victim
- Service agency cost
- Public benefits used

CHARACTERISICS

Victims
Limited to no capacity

Perpetrator
Family (Adult Child)

COSTS

Estimated state service agency cost
$6.3 million

Estimated public benefits cost
$8.3 million

Total Reported Losses
$24 million

Estimated Economic Loss and Cost
$353 million - $1.5 billion

Gunter, Jilenne. 2011. The 2011 Utah Economic Cost of Elder Financial Exploitation. Department of Human Services, Utah Division of Aging and Adult Services.
Huang, Yufan. Alan Lawitz, Esq.2016. "The New York State Cost of Financial Exploitation Study." Office of Children and Family Services.

Appendix D: Definitions and Rationales for Codebook

Variables	Description	Rationale
Assembly/House (R/D):	The political makeup of state legislative assemblies either Democrat or Republican.	The partisan composition of state governments may influence the policy-making process and formation of key decisions.
Governor (R/D):	The political affiliation of the governor Democrat or a Republican.	Governors have both informal and formal powers that play a role in state policy formation. In addition to establishing policy priorities through the budget process, governors also influence the legislative process with their ability to call special sessions and in some states, their power to use the line-item veto.
Mandatory Reporting	Mandatory reporting statutes require certain groups (or all state residents) to report suspicions of elder abuse, neglect, or exploitation to designated authorities, such as law enforcement or selected state social service agencies.	Mandatory reporting statutes are premised on two principles: 1) to protect victims who cannot protect themselves and 2) to provide services to such victims (Faulkner 1982). Research shows that while mandatory reporting laws have been implemented, many cases still go unreported (Lee 1985; Rodriguez et al. 2006). Differences in reporting methods, varying definitions, and patient-provider concerns contribute to this phenomenon.
Individuals with Alzheimer's Disease	Persons affected by Alzheimer's Disease or related dementias.	Elders with Alzheimer’s and dementia-related diseases are more likely to be victims of financial exploitation than those unaffected because of the disease’s affect on cognitive capacity, and in turn, an individual's ability to manage their own financial affairs (Cooper et al. 2009; Lichtenberg 2016).

Office or Department Designated to Provide Services to the Elderly	The amount allocated annually or biannually by the state to the Department of Elder Affairs or a similar department or office that provides services to the elderly. This budget may or may not include APS' funding.	The budget allocation to a state's division of elder affairs indicates the state's priority efforts to address elder abuse and improve the coordination of services that help these populations.
Peer State	States with similar demographic and political features to Texas. Peer states of Texas include Florida, Kentucky, Michigan, and Utah.	Analyzing statutes and programs in peer states provides context for potential laws and programs that the state of Texas can consider, replicate, or expand on. .
Penalties	Statutes to protect elders from abuse and exploitation vary from state-to-state. The elements that constitute a charge of elder abuse, neglect, or exploitation determine the sentencing and punishment following a criminal or civil conviction.	Elder abuse, neglect, or exploitation sentencing derives from the state's definition of the offense as either a misdemeanor or felony. A elder financial exploitation case may be charged as fraud or theft, depending on the prosecuting attorney, changing the sentencing and punishment.
Percent of Population Over the Age of 60:	The percent of population in the state of study, who are 60 years and older.	In some states, being 60-65 years old is usually a requirement for becoming eligible for senior social programs. While Texas defines an elder as an individual over the age of 65, including individuals who are 60 years and older is important as many of the policies related to elder affairs take time to implement, meaning that those who are aged 60 and older will eventually be affected by elder financial exploitation legislation.
Project Growth by 2025 of those Aged 60 Years and Older	Estimated number of individuals aged 60 and older expected by 2025.	The growth projection emphasizes the need to address elder affairs, especially as many elders become eligible for services.

Project Growth by 2025 of those aged 65 and older with Alzheimer's disease	Estimated number of individuals aged 65 and older with Alzheimer's disease by 2025.	The elderly population is affected in greater numbers by Alzheimer's and dementia-related diseases. According to Colby (2012), among one of first critical functions that is lost in the early stages of Alzheimer's disease is the ability to manage one's money and finances, thus making elders more susceptible to financial exploitation (Lichtenberg 2016).
Senate (R/D)	The political makeup of senate chambers either Democrat or Republican.	The partisan composition of state governments may influence the policy-making process and formation of key decisions.
Special Committee	The presence or absence of a state-level committee on elder affairs or Alzheimer's Disease. Special committees can reside in a legislature and be comprised of legislators or be formed in the executive branch and populated by gubernatorial appointment.	The presence of special committees on elder affairs and/or Alzheimer's Disease in either the legislative or executive branch exemplifies the priority given to these issues by a governor or legislature.
State Budget	The total state budget allocated annually or biannually by the state legislature.	The total state budget is the denominator in calculating the percent of funds allocated to the department of elder affairs or a similar department/bureau.

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Appendix E: Legislative Bills on Financial Exploitation

Table 3: Texas 85th Legislative Session Bills on Exploitation

Bill Name	Author(s)	Bill Text	Status
TX HB 916	Representative Shawn Thierry (D)	"Relating to requiring financial institutions to report the suspected financial abuse of elderly persons; providing a civil and criminal penalty."	Referred to Investments & Financial Services House Committee on 02/21/2017
TX HB 959	Representatives Shawn Thierry (D); Gene Wu (D); Senfronia Thompson (D); Garnet Coleman (D)	"Relating to the financial abuse of elderly persons, including requiring financial institutions to report suspected financial abuse of elderly persons; providing a civil penalty; creating criminal offenses"	Referred to Investments & Financial Services House Committee on 02/27/2017
TX HB 3224	Representative Mary Ann Perez (D)	"Relating to requiring dealers and investment advisers to report suspected financial abuse of elderly persons; providing a civil penalty; creating a criminal offense."	Pending in Investments & Financial Services House Committee as of 04/11/2017
TX HB 3503	Representative Shawn	"Relating to the	Pending in

	Thierry (D)	financial abuse of elderly persons; creating criminal offenses.”	Investments & Financial Services House Committee as of 04/11/2017
TX HB 3921	Representatives Tan Parker (R); Four Price (R); Charles “Doc” Anderson (R); Shawn Thierry (D)	“Relating to the financial exploitation of certain vulnerable adults”	Pending in Investments & Financial Services House Committee as of 04/20/2017
TX HB 3972	Representative Eric Johnson (D)	“Relating to the financial exploitation of certain elderly persons”	Pending in Investments & Financial Services House Committee as of 04/11/2017
TX SB 791	Senator Borris Miles (D)	“Relating to the financial abuse of elderly persons, including requiring financial institutions to report suspected financial abuse of elderly persons; providing a civil penalty; creating criminal offenses”	Referred to Business & Commerce Senate Committee on 02/22/2017
TX SB 792	Senator Borris Miles (D)	“Relating to requiring financial institutions to report the suspected financial abuse of elderly persons; providing a civil and criminal penalty”	Referred to Business & Commerce Senate Committee on 02/22/2017
TX SB 998	Senator Royce West (D)	“Relating to the statute of limitations for the offense of exploitation of a child, elderly individual, or disabled individual”	Passed Senate vote and sent to House on 04/04/2017

Appendix F: Advocacy Efforts: Alzheimer's Association of Houston and Southeast Texas

Alzheimer's Association of Houston and Southeast Texas
The Alzheimer's Association of Houston and Southeast has four area offices, employees 28 staff members and 500 volunteers. Contributions from individual donations and from the national Alzheimer's organization make up the funding. The following information on the chapter's legislative and advocacy efforts was provided by the chapter on March 23, 2017. This information illustrates the scope of advocacy and legislative efforts performed by the Alzheimer's Association.

> "The chapter partners with organizations from across the 30 counties the chapter serves. In general, the Alzheimer's Association's partners include regional organizations in the long-term healthcare industry; caregiver support organizations; interfaith organizations; Area Agencies on Aging (AAA); local first responders; and, various community centers across the region. Across the state, the Alzheimer's Association most often collaborates with statewide stakeholders such as AARP, Leading Age of Texas, and the Texas Silver Haired Legislature. The strength and duration of partnerships vary based on the legislative agenda of the year.
>
> Further, the chapter also collaborates with stakeholders across the state as issues arise and become prevalent within the Alzheimer's community. The chapter forms and participates in workgroups with stakeholders to find solutions and collectively advocates for changes in state policy and procedure. Workgroups are generally formed two or three years prior to the formal drafting and introduction of any kind of legislation. Given that the Texas legislature meets every two years, workgroups spend "off-years" gathering input from interested stakeholders, garnering support from other organizations, engaging the opposition, and identifying potential legislators to author and sponsor bills.
>
> The national Alzheimer's Association organization has coordinated similar state policy priorities that all states champion in their respective legislatures. However, in addition to the nationwide coordinated state policy priorities, states add state-specific issues to their legislative agenda. Nationwide coordinated policy priorities include: improving dementia training; implementing and updating state Alzheimer's disease plans; adopting uniform adult guardianship legislation; increasing state based surveillance and data collection; and preserving Medicaid. While the specific language of the legislation addressing coordinated state policy priorities may vary from state to state, the spirit of the legislation remains the same. Past legislation the Texas chapters have championed include: the creation and expansion of the Silver Alert system, dementia training for first responders,

the creation of Texas's first state plan to address Alzheimer's, additional notice and certification requirements for long-term care facilities providing specialized Alzheimer's care, and enhancing dementia training for long-term care workers.

Proposed legislation can take between one and a half years to three years to pass a legislature and be enacted. With the Texas legislative general session lasting 140 days, passing legislation in one legislative year is very difficult. This is particularly true, if planning was not conducted during the "off year" prior to the commencement of session. If a bill is not passed during the 140 days of session, it must be reintroduced during the

Appendix G: Texas State Profile

Major Takeaways (2-4 conclusions)

The prevalence of elder financial exploitation in Texas is expected to increase as the state's elderly population increases (Texas Demographic Center 2016), yet the state statutes related to elder financial exploitation are disjointed and incomplete, providing minimal protection for the elderly and those affected by Alzheimer's and dementia-related diseases. The state's mandatory reporting requirement for all residents does not provide specific language requiring reporting of suspected financial exploitation, nor does the state's APS agency have a concrete mechanism for investigating and substantiating a claim. Further, the state provides no data on prosecuted claims of financial elder exploitation. Texas law does not provide additional protections for victims affected by Alzheimer's or dementia-related diseases and current law limits the scope of potential offenders to "persons with an ongoing relationship" with an elderly individual (Texas Human Resources Code 2013).

Political Climate

Special Committees	None
Governor	Republican Greg Abbott
Senate	*Democrats*: 11 *Republican*: 20
House	*Democrats*: 55 *Republicans*: 95

Laws

Civil Tex. Hum. Res. Code § 48.002 (2015)	HUMAN RESOURCES CODE TITLE 2. DEPARTMENT OF HUMAN SERVICES AND DEPARTMENT OF PROTECTIVE AND REGULATORY SERVICES [EXPIRES SEPTEMBER 1, 2015] SUBTITLE D. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; CHILD WELFARE AND PROTECTIVE SERVICES [EXPIRES SEPTEMBER 1, 2015] CHAPTER 48. INVESTIGATIONS AND PROTECTIVE SERVICES FOR ELDERLY AND DISABLED PERSONS [EXPIRES SEPTEMBER 1, 2015]

	SUBCHAPTER A. GENERAL PROVISIONS [EXPIRES SEPTEMBER 1, 2015] § 48.002. Definitions (3) "Exploitation" means the illegal or improper act or process of a caretaker, family member, or other individual who has an ongoing relationship with an elderly or person with a disability that involves using, or attempting to use, the resources of the elderly or person with a disability, including the person's social security number or other identifying information, for monetary or personal benefit, profit, or gain without the informed consent of the person. --- (1) "Elderly person" means a person 65 years of age or older. --- (8) "Person with a disability " means a person with a mental, physical, or intellectual or developmental disability that substantially impairs the person's ability to provide adequately for the person's care or protection and who is: (A) 18 years of age or older; or (B) under 18 years of age and who has had the disabilities of minority removed.
Criminal TEX. PENAL CODE ANN. § 32.53 (2015)	PENAL CODE TITLE 7. OFFENSES AGAINST PROPERTY CHAPTER 32. FRAUD SUBCHAPTER D. OTHER DECEPTIVE PRACTICES § 32.53. EXPLOITATION OF CHILD, ELDERLY INDIVIDUAL, OR DISABLED INDIVIDUAL. (a) In this section: (1) "Child," "elderly individual," and "disabled individual" have the meanings assigned by Section 22.04. (2) "Exploitation" means the illegal or improper use of a child, elderly individual, or disabled individual or of the resources of a child, elderly individual, or disabled individual for monetary or personal benefit, profit, or gain. (b) A person commits an offense if the person intentionally, knowingly, or recklessly causes the exploitation of a child, elderly individual, or disabled individual. (c) An offense under this section is a felony of the third degree. (d) A person who is subject to prosecution under both this section and another section of this code may be prosecuted under either or both sections. Section 3.04 does not apply to criminal episodes prosecuted under both this section and another section of this code. If a criminal episode is prosecuted under both this

	section and another section of this code and sentences are assessed for convictions under both sections, the sentences shall run concurrently. (e) With the consent of the appropriate local county or district attorney, the attorney general has concurrent jurisdiction with that consenting local prosecutor to prosecute an offense under this section that involves the Medicaid program.

State Programs

1) Texas Alzheimer's Disease Program
   - Description - Operated by the Department of State Health services, the Texas Alzheimer's Disease Program was formed by the Texas Legislature in 1987. The program seeks to increase awareness of the disease and and provide statewide strategic planning in conjunction with the Texas Council on Alzheimer's Disease and Related Disorders and the the Texas Alzheimer's Disease Partnership. The program prepared a state plan to address the burden of the disease in 2010
2) The Texas Council on Alzheimer's and Related Disorders
   - Description - created by the legislature in 1987 to provide support research, recommend "needed action," coordinate agency services to the affected population, and to disseminate information on available services. The council is comprised of gubernatorial appointees and publishes biennial reports. The most recent report, submitted in 2014, makes no mention of financial exploitation.
3) The Texas Attorney General, State Securities Board, and Consumer Protection Division all provide educational and informational materials for caretakers, elderly individuals and financial institutions on their websites, but offer no services to an elderly individual once exploitation has occurred (Texas House Research Organization 2016).

Reporting Process

Mandated?	Yes
Who is mandated?	Any person who becomes aware of or has reason to believe suspected exploitation of an elderly individual has occurred must report their suspicions to the Texas Adult Protective Services agency (APS), as mandated by the Texas Human Resources Code (2013).
Penalties:	Unknown
Process (if available)	1. APS receives a report. 2. APS accepts/denies the allegation or report upon investigation depending upon criteria (CARE Tool) 3. APS submits report to local law enforcement

Prosecution Process

Once an APS caseworker has completed the investigation and has determined elder financial exploitation, the caseworker or supervisor must notify the appropriate law enforcement agency and turn over the investigation report to local law enforcement in a "timely manner" (Texas Human Resources Code 2013). The law enforcement agency then is responsible for conducting their own investigation and deciding whether to charge the alleged perpetrator with criminal exploitation of an elderly individual (Texas Human Resources Code 2013). Details on if and how an allegation is prosecuted and how many prosecutions are sought remain unknown.

Budget

Texas Department of Aging and Disability Services	FY 2017 $4,497,662,846 (General Appropriations Act 2015)
State Budget	FY 2017 $106,052,931,407 (General Appropriations Act 2015)

Demographics

16% over the age of 60 in 2015	(American Fact Finder 2015)
350,000 suffering from Alzheimer's and dementia-related diseases	(Alzheimer's Association 2016)
20% projected growth of elderly* population by 2030	*ages 65 and older (Texas Demographic Center 2016)
40% projected growth Alzheimer's and dementia-related diseases population by 2025	(Alzheimer's Association 2016)

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Appendix H: Literature Review

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Executive Summary

Elder financial exploitation is the second most common form of elder abuse, resulting in a projected financial loss of over $2.9 billion a year (MetLife 2011). As the number of Americans over the age of 65 is expected to grow, adequately addressing this issue becomes increasingly important in order to protect the financial wellbeing finances and assets of the nation's wealthiest population (Hansen et al 2016). However, navigating this emerging issue is a course riddled with problems like inconsistent state laws, minimal research and a general lack of awareness among the throng of stakeholders potentially affected. The legal definitions of cognitive impairment, consent, and guardianship further complicate the policy environment surrounding elder financial exploitation.

This growing problem is exemplified in the state of Texas, home to the nation's fourth largest elderly population and a set of vaguely defined laws and criminal penalties regarding elder financial exploitation. The state has failed to consider this issue a policy priority, neglecting the complexities and losses associated with elder financial exploitation, and leaving a growing elderly population vulnerable to financial exploitation.

This literature review examines the complexities of elder abuse through a discussion of financial exploitation, a survey of Texas' elder financial exploitation law, and an overview of nationwide overview of policy initiatives addressing this issue at the state and federal level. This review establishes a framework for understanding the policy environment surrounding elder financial exploitation and will be expanded upon as we continue to identify additional research.

Introduction

America is aging. As the baby-boomer population ascends into their later years in life, the country is populated more and more by persons over the age of 65. Within this growing elderly population are a smaller subset of individuals affected by Alzheimer's and related dementias, a number expected to triple from 5 million Americans in 2016 to 15 million in 2015 (Alzheimer's Association 2016).

Texas will experience a disproportionate share of this nationwide "graying effect" as a major as the baby-boomer generation continues to grow and retiring seniors migrate to the South (Sade 2012). The Alzheimer's Association (2016) estimates 350,000 Texans are affected by

Alzheimer’s disease and projects a 40 percent increase within the next decade, making the state home to the fourth largest Alzheimer’s-affected population. The effects of this disease and the related lack of mobility and a dependence on others for care puts these individuals makes them susceptible to financial exploitation and other crimes of elder abuse (Johnson 2015).
Elder financial exploitation is the second most common form of elder mistreatment (Lichtenberg 2016). Financial exploitation is defined as the “illegal, unauthorized, or improper use of an older individual’s resources by a caregiver or other person in a trusting relationship, for the benefit of someone other than the older individual” (Center of Disease Control and Prevention 2016). Financial exploitation includes forgery, misuse of money, and taking money or property directly from an older individual through deception. Elderly adults with Alzheimer's and dementia-related diseases face the threat of financial exploitation because of their diminished cognitive abilities (Center of Excellence on Elder Abuse and Neglect 2016). However, the absence of national measures, uniform reporting standards, and research funding makes the issue difficult to address (Jirik and Sanders 2011).

Regardless of the considerable growth among the elderly population, but the actual number of victims of financial exploitation is unknown due to a lack of official national and state statistics. This may be a consequence of underreporting, differing definitions of elder abuse, and a lack of comprehensive data (Fant 2016). The state of Texas provides little data on the extent of elder financial exploitation and had neglected to make this growing issue a policy priority.

The Alzheimer's Association of Houston and Southeast Texas has asked the Bush School to analyze the prevalence of financial exploitation of those with Alzheimer's and dementia-related diseases in Texas. The information will become the basis for recommending financial exploitation policy change during the 2019 Texas Legislative Session.

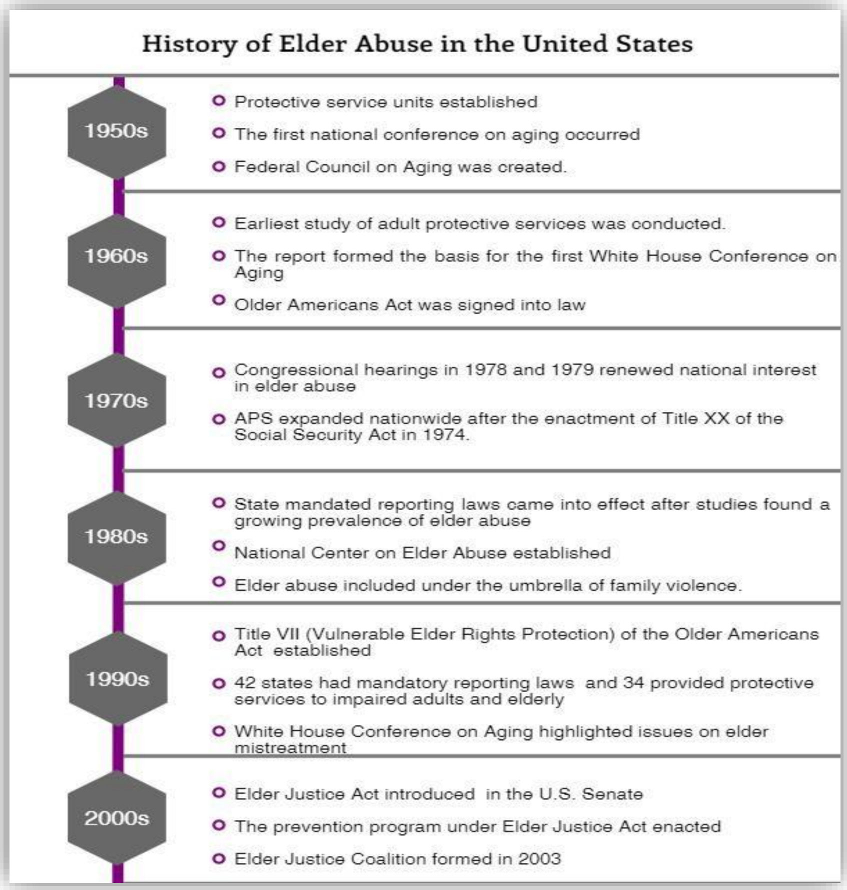
History of Elder Abuse in the United States

While elder financial exploitation has been called “the crime of the 21st century” (CFPB 2014), societal and governmental responses to elder abuse started in the 1950s. Elder abuse is often thought of as a relatively new phenomena. Although elder abuse first appeared on the national policy agenda in 1974, formal efforts to help vulnerable elders began at least twenty years before that time.

1950s

In the 1950s, public welfare officials faced a growing number of older persons who were unable to maintain self-autonomy. Officials responded by developing “protective service units” that provided social services, legal assistance, and even guardianship (Bonnie 2003). Congress also passed legislation in the 1952, as part of the Social Security Act, that provided funds to the states on a three-to-one matching basis for establishing the protective service units and provided funds for six demonstration projects (Anetzberger 2016).

During this time, President Truman initiated the first national conference on aging to consider the problems associated with a changing American population (Tibbitts 1950). The Conference on Aging met to consider the “problems that were not being solved through ordinary techniques, programs, and services” (Tibbitts 1950). In 1956, the Federal Council on Aging was created under President Eisenhower to encourage interdisciplinary solutions in the field of aging, to examine existing laws and programs directed towards elders, and to make recommendations on income maintenance and welfare services; development of educational programs; intensive research on the physical capacities and performance records of older workers; and living and housing arrangements, among others (McCamman 1956).



1960s

The earliest study of adult protective services was conducted for the National Council on the Aging in 1960 (Bonnie 2003). The report was used as the basis for the first White House Conference on Aging held in 1961 . It is is now held once-a-decade, with the most recent conference held in 2015 (Munoz 2015; Conference on Aging 2015). In 1965, the Older Americans Act was signed into law, establishing the Administration on Aging within the Department of Health, Education and Welfare (now the Social and Rehabilitative Service Agency) (Bonnie 2003). The Act was extended for two years in 1975 and has since been amended to authorize grants, create programs, and maintain national priority in services provided to elders.

1970s
The 1970s were marked as the discovery phase of elder abuse in the United States. The issue was given major recognition after exposés and congressional hearings on the mistreatment of nursing home residents. Adult protective services expanded nationwide after the enactment of Title XX of the Social Security Act in 1974, which gave states permission to use Social Services Block Grants (SSBG) funds for “preventing or remedying neglect, abuse, or exploitation of children and adults unable to protect their own interests, or preserving, rehabilitating, or reuniting families” (U.S. Department of Health & Human Services 2015)
Title XX allocated $203 million to adult protective services in 36 states in 2012 (U.S. Department of Health & Human Services 2015). The Texas APS program began in the mid-1970s when Congress passed Title 20 of the Social Security Act. It required states to protect children, elder adults and adults with disabilities from abuse, neglect, and exploitation (Texas Department of Family and Protective Services). The Age Discrimination Act was also signed into law in 1975, and in 1990 the Americans with Disabilities Act extended its protection to persons with disabilities (Administration on Aging 2015).
Congressional hearings in 1978 and 1979 renewed national interest in elder abuse where in one of the hearings, a witness spoke about “granny battering.” The topic sparked the interest of the members of Congress, chiefly the late Senator Claude Pepper of Florida. He and his Special Subcommittee on Aging sponsored other investigations and hearings (Bonnie 2003).

1980s
The 1980s served as the development phase with growing public and professional recognition of elder abuse and the expansion of structures to support better understanding and response to elder abuse (Anetzberger 2016). The decade also saw the enactment of adult protective services or elder abuse reporting laws in most states and the passage of elder abuse prevention provisions in the Older Americans Act. State mandated reporting laws, which often require individuals to report certain injuries or cases of abuse to law enforcement or regulatory agencies, came into effect during the 1980s after four major studies found a growing prevalence of elder abuse (Rodriguez et al. 2006). In 1981, Congress proposed legislation to establish a national center on elder abuse, but the bill never reached the floor of Congress. Finally, in 1989, Claude Pepper introduced a similar proposal as an amendment to the Older Americans Act. The following year the National Center on Elder Abuse was funded established by the U.S. Administration on Aging (AoA) and began the federal government's specific commitment to this area; however, very small amounts of money was allocated to this initiative (Bonnie 2003).

In 1980 Surgeon General Louis Sullivan held a workshop on family violence, declaring it to be a public health and criminal justice issue that included the problems of elder abuse and neglect. Elder abuse was included under the umbrella of family violence, which led to a positive effect, as it brought in the medical community and the criminal justice community and broadened the range of constituency groups interested in the topic (Anetzberger 2016).

1990s
The 1990s were marked by diversification, broadening the concept of elder abuse and the systems to address it and establishment of the Title VII (Vulnerable Elder Rights Protection) of the Older Americans Act (Anetzberger 2016). By 1991, 42 states had mandatory reporting laws and 34 were providing protective services to impaired adults as well as the elderly. Mandatory reporting during this time became a highly charged issue--seen by some as a threat to client

autonomy (U.S. Congress 1991). In 1991, a study by the Government Accounting Office concluded that mandatory reporting did not necessarily prevent abuse. The study identified a number of other factors that were more effective in abuse prevention. However, the study also pointed out that mandatory reporting was second only to public and professional awareness in effectiveness in case identification (U.S. Congress 1991). In 1991, the 72nd Texas Legislature passed House Bill 7, which created the Texas Department Protective and Regulatory Services (TDPRS) on September1, 1992. The Texas Legislature made APS responsible for assuming guardianship of people with severe disabilities who aged out of CPS care in 1993. In 1999, the Legislature provided the first specific funding for guardianship of APS clients (Texas Department of Family and Protective Services).

Despite at least eight Congressional hearings and numerous studies and reports, little has changed in three decades. The 1995 White House Conference on Aging highlighted a number of pressing needs regarding preventing elder mistreatment (Official White House Conference Report 1995). These needs included developing strategies for detecting, addressing and preventing elder abuse, improved opportunities for retraining and assisting older workers (Montgomery 2013). Notably, the Conference on Aging rejected the idea of pitting programs for older adults against those that serve younger adults, adolescents and children (Montgomery 2013).

2000s

In 2005, the 79th Texas Legislature passed Senate Bill 6, instructing DFPS to improve the services it provides to children, families, the elderly, and adults with disabilities (Texas Department of Family and Protective Services). This law recommended strategies to reform protective services such as giving caseworkers mobile tablet computers.

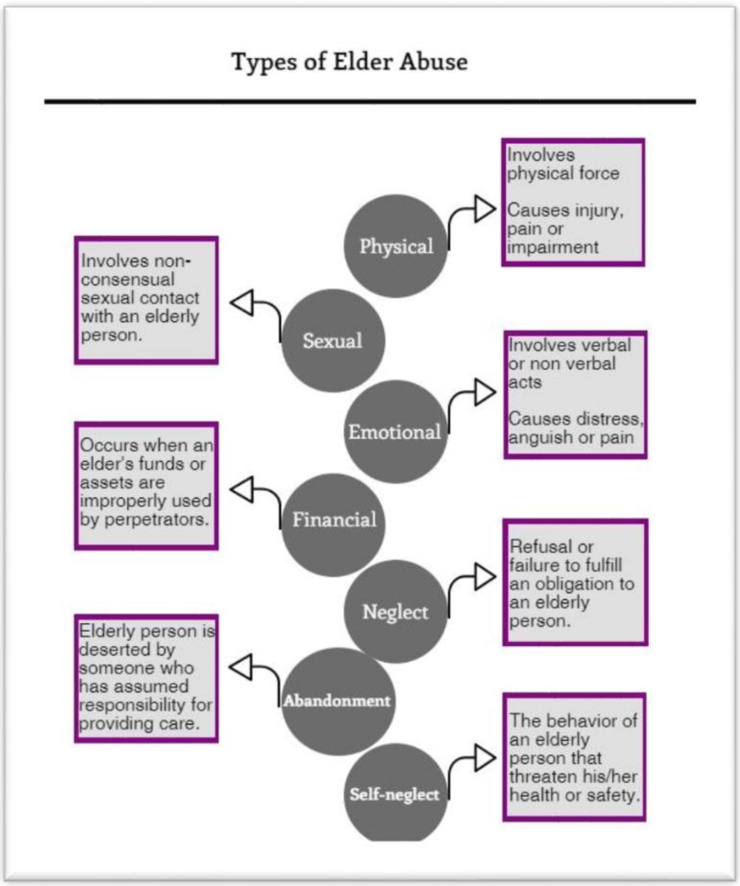
The Legislature also transferred the Guardianship Program from DFPS to the Texas Department of Aging and Disability Services (DADS), reinforcing APS's primary role as investigating and ensuring the safety and well-being of vulnerable adults in need of protection (Texas Department of Family and Protective Services). An interagency steering committee was established to guarantee ongoing coordination between the two agencies. (Reword)

In 2003 Senator John Breaux introduced the Elder Justice Act in the U.S. Senate (Falk 2012). The Act authorizes $100 million in the first federal funding provided for state and local Adult Protective Services Programs. Additionally, $25 million was authorized for APS demonstration programs. President Obama’s federal FY 2013 budget included $8 million appropriation for APS demonstration projects (National Adult Protective Services Association 2016). In an effort to address elder abuse and its associated impacts, the Elder Abuse Prevention Interventions Program grants funding to selected states and tribes to test pilot projects designed to prevent elder abuse, neglect, and exploitation (ACL 2015). The prevention program was created under the Elder Justice Act, which was enacted in 2010 as part of the Affordable Care Act (ACA). The purpose of these grants, which range between between $625,000 to $1,020,000 for three years, is to call national attention to elder abuse by encouraging states to develop prevention efforts that can help curtail elder abuse. Five projects in Texas, California, New York, and Alaska were selected and then evaluated to assess the overall performance and determine whether such projects can be replicated (ACL 2015). The Elder Justice Coalition was also formed in 2003. The coalition united advocates who were committed to the reform of social policy for the protection of elders.

Elder Abuse Overview
Elder abuse manifests in several forms, resulting in severe health, social and economic consequences. Elder financial exploitation represents a form of elder abuse and occurs when someone illegally or improperly uses an older adult's money or belongings for their personal use (National Center on Elder Abuse 2016). Within the broader crime of elder abuse, financial exploitation is defined as the "illegal, unauthorized, or improper use of an older individual's resources by a caregiver or other person in a trusting relationship, for the benefit of someone other than the older individual" (Center of Disease Control and Prevention 2016) and includes forgery, misuse of money, and taking money or property directly from an older individual through deception.

Types of Elder Abuse

The American Psychological Association (2016) identifies seven types of elder abuse and a brief description of each type is presented below.



1. **Physical abuse** involves using physical force that causes injury and physical pain or impairment (American Psychological Association 2016).
2. **Sexual abuse** occurs when there is a non-consensual sexual contact with an elderly person.

3. **Emotional abuse** is when distress, anguish or pain is inflicted on a senior citizen through verbal or nonverbal acts.
4. **Financial/material abuse** occurs when an elder's property, funds or assets are improperly used by perpetrators.
5. **Neglect** is the refusal, or failure, to fulfill any part of a person's obligations or duties to an elderly person.
6. **Abandonment** is when an elderly person is deserted by an individual who has physical custody and has assumed responsibility for providing care.
7. **Self-neglect** is when an elderly person indulges in behaviors that threaten his/her health or safety.

Mistreatment Impact on Elders

Elder abuse is a social problem that can lead to other unforeseen consequences related to an elder's health and economic security (Baker 2007; Kluss 2012). Elders with Alzheimer's and dementia-related diseases, however, are more likely to be mistreated than those without (Coony, Howard, and Lawlor 2006; Wiglesworth et al. 2010).The effects of dementia place elders at a greater risk of abuse, since many are unable to recognize abuse, seek help, or advocate for themselves. Two studies assessing the mistreatment of elders with dementia found that almost 50 percent of those with dementia experience abuse or neglect (Cooney and Mortimer 1995; Wiglesworth et al. 2010). Elders who have been mistreated and reported to protective services are more susceptible to death than those who have not been abused. A study conducted for publication by the Journal of Elder Abuse, found that mortality rates differ across types of abuse after adjusting for a host of variables related to both mortality and abuse (Burnett et al. 2016). The second highest percentage of deaths within a category of abuse occurred in financial exploitation. The study also found that financial exploitation and mortality share some of the same risk factors - the greater the number of risk factors shared, the higher the mortality rate (Burnett et al. 2016). According to the National Council on Aging, elders who have been abused have a 300 percent higher risk of death when compared to those who have not been mistreated. Risks in this paper is defined as the "presence of potentially stressful factors in a person's environment" (Baker 2007, 314; Dong et al. 2009).

Similarly, another study examining the risks and vulnerability of elder mistreatment found that mortality risk was associated with elder abuse, especially among elders with low levels of psychological and social wellbeing (Dong et al. 2011). Another study found that negative social support, stemming from elder abuse, may confer additional death risks even after adjusting for other factors associated with mortality in older adults. The longitudinal study also found that elders who had been reported to protective services were "more likely to be dead at the end of [the] 13-year follow-up period" (Lachs, O'Brien, and Pillemar 1998, 431). In addition to these outcomes, anxiety, chronic pain, high blood pressure and heart problems have also been cited as additional health care problems as a result of mistreatment (Comijs et al. 1998). While more research is needed to understand the multi-level factors associated with elder mortality, it is presumed (based on previous studies) that geriatric syndromes, chronic stress, and depressive symptoms derived from elder abuse play a role.

In addition to health risks, elder abuse can also leave many older adults economically unstable, shifting the burden of costs from the individual to the government (Jackson 2009). Victims of financial exploitation are often exploited to the extent that they subsequently need Medicaid to cover expenses as a result of their financial losses (Gunther 2011). A New York report analyzing the cost of elder abuse in the city of Queensland found that "hidden" costs as a result of abuse have a significant financial impacts on the whole community (Jackson 2009). The 2009 New York report found that elder abuse could costs the hospital system between $9.9 million and $30.7 million in hospital admissions (Jackson 2009).

The costs of elder abuse extend past personal finances. A similar study also conducted in New York found state service agencies spent nearly $1.2 million annually in investigations, assessments, services, and other related activities(Huang and Lawitz 2016). When the sample size was adjusted for missing and unreported cases, social costs of elder abuse expanded to $5 million annually. When the data was estimated statewide, costs increased to $6.2 million, with adult protective services agencies absorbing the greatest costs ($2,966,272), followed by other activities related to banking services ($1,294,301), mental health services ($384,522), and home health or personal care aide ($304,675) (Huang and Lawitz 2016). Increased reliance on social welfare programs such as the state's Supplemental Nutrition Assistance Program and Medicaid and Medicare programs were also affected, with the effects of elder abuse resulting in an extra $1.2 million in costs for for the sample size and $8.3 million for the entire state.

Financial Exploitation Overview

Financial exploitation is a phenomenon that occurs in many different forms and by various actors. Those more likely to commit financial exploitation include adult children, followed by grandchildren, other relatives, and friend or neighbors (Stiegel 2012). Older adults who need assistance with daily activities are at greater risk of being victimized (Acierno et al. 2010). The following section provides a broad overview of financial exploitation, followed by a comprehensive overview of the types of financial exploitation.

A Working Definition of Financial Exploitation
Elder financial exploitation occurs when someone illegally or improperly uses an older adult's money or belongings for their personal use (National Center on Elder Abuse 2016). Financial exploitation is the second most common form of elder abuse, affecting an estimated five percent of the elderly population annually (Lichtenberg 2016).The methods of financial elder exploitation can include fraudulent credit card charges, double billing of purchases or payments, and/ or identity theft; and these acts can be committed by family members or caregivers (Wood and Lichtenberg 2016).

Financial Exploitation - A Wicked Problem
Financial exploitation is not only a crime against the victim, but a crime against the entire community (Heisler 2000). A wicked problem is defined as a "dynamically complex, ill-structured, public problem; and the causes and effects of the problem are extremely difficult to identify and model" (Batie 2008, 1176). In its most basic form, a wicked problem is a problem where there is no consensus on what the exact problem is. This is because of the influences from many social and political factors, and connections to or symptoms of other problems in society (Batie 2008). The magnitude of this crime illustrates that financial exploitation is a wicked problem plaguing our society. The issues with attempting to address wicked problems are that

agreements on a solution are lacking and policy interventions may lead to unpredictable changes, due to the interconnectedness of the issue between stakeholders (Majchrzak, Markus, and Wareham 2013).Wicked problems are found in many facets of life, and elder financial exploitation can be categorized as one. Without a national reporting mechanism for financial exploitation, there is no uniform data source to help identify the causes or remedies to this problem.

Wicked problems are found in many facets of life, and elder financial exploitation can be categorized as one. Without a national reporting mechanism for financial exploitation, there is no uniform data source to help identify the causes or remedies to this problem. Financial exploitation can affect an individual in many different ways. The Consumer Financial Protection Bureau (CFPB) attempts to alleviate some of the "wickedness" of financial exploitation by regularly releasing manuals for nursing homes, helping living facilities, and developing guidelines to detect, report, and prevent financial exploitation within their constituency. With a growing elder population, these guidelines are aimed to target all entities that may come in contact with an elderly individual.

Prevalence of Elder Financial Exploitation

Financial exploitation is a growing issue. The baby boom generation creates the largest senior population, with 10,000 Americans turning 65 everyday (Alzheimer's Association 2016). The elders are the most targeted population for financial exploitation (Lichtenberg 2016). The extent of prevalence of financial exploitation puts the financial security of millions of older Americans at risk annually (Office for Older Americans 2016). Peterson et al. (2014) find that older adults are more susceptible to financial exploitation not only because they are likely to have more financial resources, but also because of higher prevalence of cognitive impairment and social isolation. Deterioration of cognitive, financial decision-making abilities, or financial capacity occurs throughout old age and makes this sector of the population a prime target for financial exploitation (Lichtenberg 2016).

Approximately 5.4 million Americans over age 71 are affected by cognitive impairments and an additional 3.4 million have dementia (Lichtenberg 2016). By 2030, the about 8 million elderly individuals will be affected by Alzheimer's and that number is expected to nearly double by 2050 (Adams and Lichtenberg 2014). One among 20 adults are affected by financial exploitation, leaving African American, individuals living below poverty line more at risk (Peterson et al. 2014). The National Elder Abuse Incidence Study (NEAIS) found that financial exploitation had an incidence rate of 30.2 percent, a number higher than the 25.6 percent for physical abuse (Rabiner et al. 2006). Since the NEAIS did not include isolated elders, the numbers may be underestimated. This study also calls for a well-funded research study on the prevalence and incidence of financial exploitation because these numbers often tend to be underestimated (Rabiner et al. 2006).

Financial exploitation of the elderly is expected to grow over the next decade because of the growing elder population and their vulnerabilities related to cognitive impairments, social isolation, and having more assets and readily available cash. Victims may not realize the value of their assets (Jackson 2011). Culprits financially exploit the elderly because of perceived weaknesses, opportunity, and proximity to the victim. Research by Kang and Ridgway (2005) found that older adults tend to be more vulnerable than younger adults because they are less socially integrated and more likely to be under stress. This phenomena of "social isolation" usually occurs among older adults as a result of poor health, retirement, and loss of a spouse and friends (Kim 2008). Further findings noted that social isolation among older adults becomes more pronounced with advancing years.

Vulnerabilities to Financial Exploitation

The National Committee for Prevention of Elder Abuse also provides a few reasons that make elders more vulnerable to financial exploitation, including disabilities, dependence on others for help, lack of cognitive ability to manage finances and caregivers' access to homes. On average, elders who were financially exploited were in their late seventies and were likely to be cognitively impaired (Choi and DiNitto 2013). Approximately 60 percent of the perpetrators were relatives of the elderly victims, mostly their adult children (Choi and DiNitto 2013). Factors that put the elderly at greater risk for abuse include the intensity of an elderly person's illness or dementia; social isolation; the elder's role, at an earlier time, as an abusive parent or spouse; history of domestic violence in the home; and the elder's own tendency toward verbal or physical aggression (Robinson 2016). Moreover, older adults are less likely to report abuse even if they have recognized that it occurred, since they have greater psychological costs of complaining. Older adults tend to be afraid of being considered incompetent or not intelligent by reporting their victimization (Lee and Soberon-Ferrer 1997).

Scientific research shared by the Alzheimer's Association (2016) also found that a Adults with Mild Cognitive Impairment (MCI) are more vulnerable to financial exploitation due to noticeable, measurable decline in cognitive abilities, including memory and thinking skills. Mild Cognitive Impairment diminishes an older adult's ability to make sound financial decisions and places them at a greater risk of developing Alzheimer's and other forms of dementia (Alzheimer's Association 2016). Characteristics of at-risk individuals vary by type of financial exploitation and dependency level.

Types of Financial Exploitation

Financial exploitation manifests in different forms and is carried out by a variety of perpetrators. Regardless of how the crime is carried out, perpetrators are often able to obtain and maintain a level of trust with the elderly victim before exploitation occurs. Family members or friends exploit family trust; professionals exploit the trust established from his or her credentials or certifications; and strangers exploit the natural trust of an elderly individual (FBI 2016). The following types of financial exploitation are divided by perpetrator - family/friend, professional, and stranger. These types of exploitation are important information for policy-makers to create a comprehensive and effective policy strategy.

<u>Family/Friend</u>

Family members or friends can be perpetrators of financial exploitation. Over 90 percent of all reported elder abuse is committed by family members, most often an adult child or grandchild (NCOA 2016). This form of financial exploitation is likely underreported due to the nature of the relationship between the victim and perpetrator. Family related financial exploitation comes in the form of theft, coercion, or purposeful misuse of assets described below.

Theft

Financial exploitation from a family member or friend ranges from the outright theft of valuables and possessions to demanding or forcibly obtaining money or valuables from an elderly individual.

Coercion or Purposeful Misuse

Coercion or purposeful misuse are another form of exploitative action. The National Committee for the Prevention of Elder Abuse (2016) cites that family and friends feel a sense of entitlement over the financial assets of an ailing or elderly individual, leading them to excuse their financial exploitation. These exploitative actions include running up household bills, manipulating an elderly person into making purchases that can damage a senior citizen's credit score (Khalfani-Cox 2013). Other common forms of financial exploitation perpetrated by family or friends include forgeries, coercing an older person to sign over a deed, a will, or power of attorney, and using the elder family member's property or possessions without permission (Nerenberg 1999).

Professional

Financial exploitation of elderly can also be perpetrated by professionals. A key to professional financial exploitation is that the perpetrator uses their professional credentials to garner trust to exploit an elderly individual. A professional is defined as an individual in a field with, "highly institutionalized regulatory mechanisms that ensure that professional workers are selected, trained, and supervised by peers and that work is defined and standardized in such a way that effective services are delivered, that norms and values are upheld, and that professional work is trusted and legitimated" (Noordegraaf 2016). A professional may include a nurse or other credible caretaker, a banker, a lawyer, a real estate agent, or a contractor. Most professional exploitative strategies involve pressuring an elderly individual to purchase unnecessary and expensive products or services. The most common forms of financial elder abuse by a professional are contracting, investment, and mortgage schemes (NCOA 2016).

Contracting

Elderly individuals are vulnerable to contracting schemes when a contractor will charge the elderly client up-front for a partially complete or incomplete service. While it is not uncommon for someone to pay up-front for an incomplete service, many contracting scheme, once they receive the money, do not finish the service.

Investment

Investment schema also involve inappropriate sales of investment products and packages. A financial advisor might simply embezzle money from an elderly client by charging high fees (New York Attorney General 2016). Another investment gimmick is when an agent convinces an elderly client to invest in expensive annuities that are actually worthless, but for which the agent receives a large commission. Another exploitative tactic is to convert a client's annuity to an annuity at a different company just to get the sales commission regardless of its suitability for the elderly client (California 2012).

Mortgage

A basic mortgage scheme involves an advisor convincing the senior to take out a reverse mortgage loan that is unsuitable or not the best option available in order to make commission. Reverse mortgages, which convert part of a home's equity into cash and are only eligible to individuals ages 62 or older, are used as yet another deception. Professionals may use a commission-based reverse mortgage scam, an equity theft scam or a foreclosure rescue scam. An equity theft con involves a real estate agent or other professional purchasing a foreclosed or abandoned home charge the elder client for the amount of the equity cash earnings. With a foreclosure rescue scheme, the scammer will find seniors at risk of foreclosure then advise them to obtain a traditional mortgage in which the property will get transferred to the scammer (Fannie Mae 2016).

<u>Strangers</u>

There are few estimates on how many elderly fall victim to financial exploitation by strangers because elder financial exploitation is an underreported issue in general. There are, however, thousands of operational, fraudulent scams . Two methods in which strangers target the elderly include theft and technology.

Theft

Between 2003 and 2013 only 7.2 percent of elderly experienced property crime, which includes general theft, vehicle theft, and household burglary. In the same time frame less than 0.1 percent of elderly experienced a violent robbery (Morgan 2014).

Strangers either distract or threaten an elderly person to steal their belongings. For example, a pair of fake repairmen, lawn care specialists, or other service providers will assist the elderly, while one distracts the elderly person, the other will enter the home pretending to conduct inspection but instead will steal valuables. Alternatively, strangers may also use force or intimidation to steal from an elderly individual. Evidence suggests that neither theft nor violent theft by strangers are common occurrences. Between 2003 and 2013, only 7.2% of elderly experienced property crime, which includes general theft, vehicle theft, and household burglary (Morgan 2014). Furthermore, between 2003 and 2013, less than 0.1% of elderly experienced a violent robbery (Morgan 2014).

Technology

A growing form of financial exploitation by strangers is the use of technology. The elderly population frequently use email, internet, phone and television. According to a Pew study from 2012, 59 percent of seniors go online and 77 percent own a cellphone (Smith 2014) and in 2014, the Bureau of Labor Statistics found that retired elderly watch on average 4.6 hours of television, compared to 2.5 hours for Americans of all ages. As the elderly population continues to adopt new technology, they become increasingly more susceptible to electronic forms exploitation. Common electronic strategies are false product advertising on television, urgent wire transfer requests by phone or email, and phishing via email and internet.

The most common form of technological financial exploitation is *phishing*, which the Federal Trade Commission (2011) defines as when, "internet fraudsters impersonate a business to trick you into giving out your personal information." A study of 150,000 phishing emails by Verizon partners found that 23 percent of recipients open phishing messages, and 11 percent open attachments (2016). Telemarketing operates in much the same way with the only difference being over the phone rather than through email or internet correspondence. Thousands a year are affected by phishing and telemarketing scams, and the elderly are no exception as they often make easy targets (The Anti-Phishing Working Group 2016). Individuals impersonating a worker from the Internal Revenue Service and Medicare are the most common ploys (NCOA 2016). Phishing and telemarketing can be devastating because they often lead to identity theft (NCOA 2016). Historical evidence shows however that elderly experienced more incidents of identity theft (5.0 percent) than persons ages 16 to 24 (3.8 percent), but less than persons ages 25 to 49 (7.9 percent) and 50 to 64 (7.8 percent) ((Morgan 2014).

False product advertising serves as another form of exploitation. It typically comes in the form of online or television marketing of counterfeit drugs or 'miracle products' (NCOA 2016). While there is no data on the prevalence of counterfeit drug use among the elderly population, a large portion of elderly are dependent on medication. AARP reports that nearly 90 percent of people over 60 take at least one prescription medication and 30 percent take at least five medications (Finucane 2012). Counterfeit and false drug products are not Federal Drug Administration approved and run the risk of containing unsafe substances, especially for an elderly person.

Ploys to elicit wire transfers of money serve as yet another electronic form of financial exploitation (NCOA 2016). Similarly, fake charities will often solicit donations, via check or wire transfer, from elderly, particularly after a natural disaster (NCOA 2016).

Pure Financial Exploitation vs. Hybrid Financial Exploitation

Financial exploitation can occur in two forms, pure financial exploitation (PFE) and hybrid financial exploitation (HFE). Elderly victims experiencing pure financial exploitation—abuse that does not occur with other forms of abuse like sexual, physical or neglect—tend to be physically and financially independent and their perpetrators tend to be physically and financially independent. A study funded by U.S. Department of Justice found that these elderly persons tended to live alone, have no children, be without a history of childhood family violence, and have a relationship with the perpetrators, who were generally relatives (Jackson 2011). The study showed that PFE victims generally lived in their own home, could drive, cognitively intact, and physically healthy. Culprits of PFE were usually dependent and living with the victim (Jackson 2011).

Victims of financial exploitation may also experience other forms of elder abuse in conjunction with financial exploitation. "Hybrid" financial exploitation simultaneously with physical abuse and neglect by a caretaker or guardian (Jackson 2011). The same study showed HFE elderly victims and their perpetrators tend to live together; the elderly persons were commonly widowed, in poor health, unable to drive, feel isolated, fear their perpetrator, have experienced a long history of abuse from the perpetrator, even though their perpetrator tended to be perceived as their caregiver (Jackson 2011). Perpetrators were typically unemployed sons who were unable to drive and remained financially dependent on the elder (Jackson 2011). HFE elderly victims were considerably more likely to be removed from their home and/or to be appointed a guardian after abuse was discovered(Jackson 2011). In contrast to pure financial exploitation, victims experiencing HFE were more likely to have significant health issues, physically dependent, cognitively impaired, and unable to drive (Jackson 2011).

Characteristics of Financial Exploitation Victims and Perpetrators

As with any crime, there are victims and perpetrators. Both of these populations possess characteristics that are exclusive to elder financial exploitation. This section includes information about the characteristics of victims and the role those play during a trial as well as characteristics of the perpetrators.

Characteristics of Victims

There are some common characteristics of victims of financial exploitation. The elder population is the most targeted population for financial exploitation; however, people affected by Alzheimer's are at increased risk for financial exploitation because of their diminished cognitive abilities (Lichtenberg 2016).

A common characteristic of victims of financial elder exploitation is their dependency on another individual (Choi and Mayer 2000). Furthermore, individuals who have been previously victimized are at an increased risk for future victimizations because they have lower levels of confidence and increased rates of depression (Wood and Lichtenberg 2016).

Victims of elder financial exploitation typically display other common characteristics. The National Committee for Prevention of Elder Abuse lists disabilities, dependence on others for help, lack of cognitive ability to manage finances, and caregivers' access to homes as characteristics that make elders more vulnerable to financial exploitation (2016).
A study by the National Institute of Justice (2015) analyzed 472 reported cases of financial exploitation in Florida and Arizona and identified common elements in victims. Victims who were **"**independent elders were 66 percent more likely to experience pure financial exploitation (without accompanying neglect or abuse) than the victims who were dependent" (National Institute of Justice 2015). The emergence of technology and e-banking has greatly increased elders' vulnerability to exploitation. With ever-changing technological advances, elders' lack of understanding can inadvertently put them at risk of becoming a victim of financial exploitation, despite not committing any intentional breaches of their security.

Characteristics of Perpetrators

Elder financial exploitation is described as a crime of opportunity. This means that family members and strangers alike can take advantage of an elder person for personal financial gain. The information on characteristics of perpetrators of financial elder exploitation is limited (compared to the characteristics of victims) because perpetrators are harder to find than victims and because by the time investigations into suspected financial elder exploitation begin, perpetrators have moved or destroyed evidence (Choi and Mayer 2000).

Perpetrators use different techniques to gain authority over the victim, such as isolating the victim, promoting dependency, and inducing fear and distrust of others (Johnson 2003).

Caregiver stress can be a strong predictor of possible perpetration of financial exploitation (Choi and Mayer 2000). If caregivers feel they are not being paid enough for their services, they may be tempted to steal from the elderly individual to supplement their pay. In a case study analysis of perpetrators, it was found that greed and substance abuse were also strong incentives for an individual to commit financial exploitation (Choi and Mayer 2000).
Perpetrators of financial exploitation create a sense of urgency with matters and make victims feel special as if they are receiving exclusive treatment or services; this manipulates the victim's emotional state, making them more vulnerable (Johnson 2003). They may also refuse to accept "no" for an answer and can become aggressive to ensure the victim complies with their demands (Johnson 2003). Family members and caregivers commit financial exploitation through joint bank accounts, title transfers, power of attorney, and living trusts or wills (Johnson 2003). The authority given to the other party from the elderly individual typically comes with a level of trust; however, perpetrators break that trust by committing acts of personal financial gain with victims' assets.

Underreporting of Elder Financial Exploitation

One of the difficulties in estimating the exact financial losses as a result of financial exploitation is underreporting. It is estimated that about 85 percent of elder abuse cases are never reported to Adult Protective Service (APS) agencies (O'Neill and Vermeal 2015). Underreporting is attributed to academic, social, medical and a lack of awareness on reporting methods. Differences in reporting methods, varying definitions, patient-provider concerns, religious, ethical beliefs, as well as a general lack of awareness contribute to the complexity of identifying elder abuse (O'Neill and Vermeal 2015). Despite an increase in complaint data, the scope and prevalence of financial abuse is underestimated because of the large number of cases that go unreported (Deevy, Beals 2013). The reasons for underreporting ranges from a lack of awareness on how to report to reduced number of APS workers.

<u>Reasons for Underreporting</u>

A lack of awareness on which channels and agencies to use to report is another reason that contributes to underreporting. A lack of information on how to initiate a report and which agency to report to can also be considered a barrier for reporting financial exploitation (Hafemeister 2003). If and when a perpetrator prevents a victim from leaving a residence or using a using a phone, an elderly person's access to reporting is denied.

The relationship victims share with the perpetrator can have an effect on the rates of reporting. Gibson (2013) surmises that a victim's ability to report decreases when he/she has a personal relationship with the perpetrator. The elderly might fear losing the support and care they are receiving from a caregiver or a family member if the abuse is reported (Hafemeister 2003). This can include a "fear of retaliation which is heightened, the more abusive the relationship is" (Hafemeister 2003).

A NASUAD (2012) study found that APS lacked appropriate funding to train caseworkers and also lacked the number of staff to conduct investigations and service delivery cases, resulting in many states exceeding the caseload standard of no more than 25 cases per month.

Physicians report low rates of cases because of three paradoxes: first, physician-patient rapport may be lost; second, patient's quality of life might decrease in other ways as a result of reporting;

and third, fear of liability leads physicians to require absolute proof rather than suspicion of abuse before reporting (Rodriguez et al. 2006).

Losses and Costs of Financial Elder Exploitation

Victims of financial exploitation lose their savings and are less able to cope with financial setbacks because of fixed incomes and lower working years. As a result, they may turn to state and federal benefits to cover their expenses (Siddiqi et al. 2014). The MetLife Mature Market Institute study (2011) reported that the financial losses from elder abuse equaled to $2.9 billion in 2010, a 12 percent increase from 2008. This number is expected to be much higher because most cases of financial exploitation go unreported. A study by the New York state office of children and family services (2016) revealed that the estimated annual losses for the elderly in New York state districts ranged between $352 million to $1.5 billion. Deevy et al. (2012) state that measuring the losses of financial exploitation is complicated because there are many types of costs involved: monetary, psychological, physical and that estimates of losses do not include unreported cases or indirect costs like detection and prosecution.Using $216.29 as the average victim loss due to financial exploitation and expanding it to the 1991 nationwide population, annual losses from fraud exceed $40 billion (Deevy et al. 2012). An estimate by True Link (2015) projected the costs of financial abuse to be more than $36 billion a year, a figure almost 12 times the estimate made by the MetLife study.

Older adults, particularly those with Alzheimer's and other dementia-related diseases, are also more disposed to financial exploitation because of their cognitive inabilities. A study analyzing the economic cost of elder financial exploitation in Utah estimated that victims of financial exploitation with dementia are exploited almost 50 percent more as average dementia-affected victim exploited out of $117,414 where a victim without a dementia-related disease is exploited out of an average $81,216 (Gunther 2011). Considering abused elders are four times more likely to go into nursing homes, further costs are incurred long after a crime of financial exploitation has been committed (Rovi 2009).

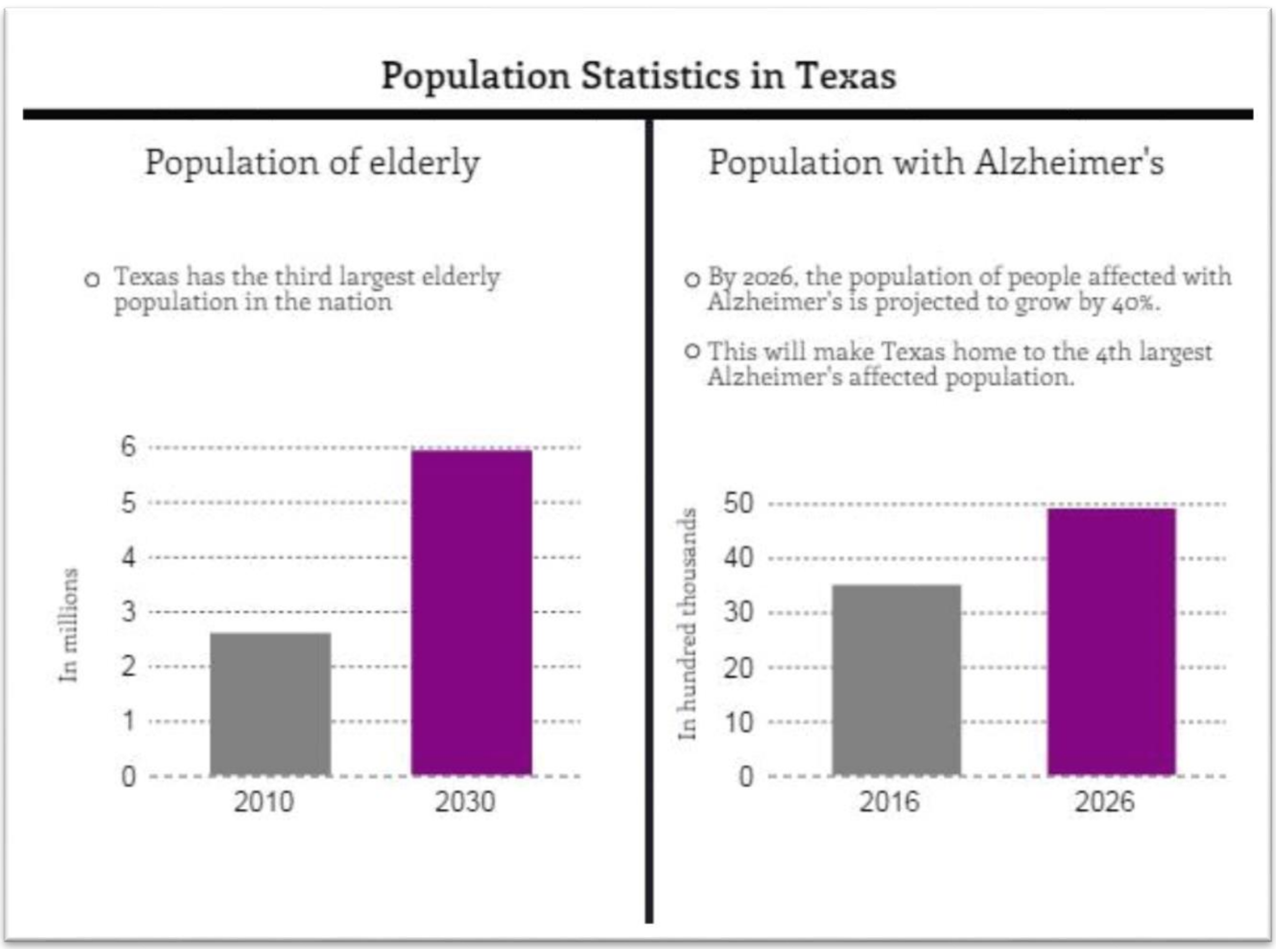
Broader Economic Impact of Financial Elder Exploitation

Elder financial exploitation can have a detrimental impact on the nation's economy. Financial losses experienced by victimized seniors is estimated to be about $50,000 per person (Senior Finance Exploitation Study 2012). Financial exploitation tends to leave many elders unable to recoup lost or stolen funds, leaving them with little to no savings and thus "shifting the financial burden of care from the individual to the government" (Colby 2012). This phenomenon leaves taxpayers paying for the housing and medical care of seniors who have been drained from their assets.

State governments often bear the brunt of economic costs resulting from elder financial exploitation. In a 2016 study conducted in New York, victim losses due to financial exploitation were estimated to cost the sample size an estimated $8 million and the state a total $109 million. Given these figures, New York state could pay between $27 and $124 million in personal losses and public expenditures per year as a result of crimes of financial exploitation (Huang and Lawitz 2016). A similar cost study conducted by the state of Utah found statewide victim losses and public benefit expenditures could cost the state between $48 and $209 million (Gunther 2011).

Elder Financial Exploitation in Texas
The prevalence and legal environment of elder financial exploitation in the elderly population of Texas is the primary focus of this project. The following section will provide an overview of the state's growing elderly population, the process of reporting and investigating elder financial exploitation, and a brief description of existing policy and programming initiatives created to confront the issue.

Increasing Elder and Alzheimer's-Affected Population in Texas



Increases in elder financial exploitation in the state of Texas is affected by the state's growing elderly population. The state, which currently ranks third in the nation with the largest elderly population, defines an elder as an individual over the age of 65 (Texas Demographic Center 2016). The state's elderly population has reached record levels in recent years and is expected to expand to just under 20 percent of the state's population by 2030 (Texas Demographic Center

2016). The Texas Department of Aging and Disability Services (2015) estimates that 35 percent of the state's elderly population lives with at least one form of a disability, 22 percent live alone, and 17 percent live in rural areas. These populations are especially susceptible to the threat of elder financial exploitation (Texas Department of Family and Protective Services 2016) and each of population is expected to increase as the state continues to age, posing social and economic implications on state policy (Texas Demographic Center 2016). This also poses an opportunity to expand current state law regarding the prevention and detection of elder financial exploitation (Texas House Research Organization 2016).

Furthermore, the population of Texans with Alzheimer's and dementia is also expected to increase. The
Alzheimer's Association (2016) estimates 350,000 Texans are affected by Alzheimer's disease and projects a 40 percent increase within the next decade, making the state home to the 4th largest Alzheimer's-affected population. This figure does not account for individuals affected by early onset Alzheimer's, a form of the disease affecting approximately 5 percent of the total population affected by the disease (Alzheimer's Association 2016). However, it is unclear if individuals affected by early onset Alzheimer's under the age of 65 are afforded protections against elder financial exploitation. While individuals under age 65 suffering substantial impairment, or a disability that "grossly and chronically" diminishes their ability to live independently or provide self-care are eligible to receive protective services, early onset Alzheimer's may or may not be apparent enough to substantiate protection (Texas Administrative Code 2012).

Texas Elder Financial Exploitation Law

The state of Texas protects elderly and Alzheimer's-affected adults from falling victims to financial exploitation through a set of laws designed to both prevent and penalize the act. The State Human Resources Code (2013) defines financial exploitation as

> "the illegal or improper act or process of a caretaker, family member, or other individual who has an ongoing relationship with an elderly person or person with a disability that involves using, or attempting to use, the resources of the elderly person or person with a disability, including the person's social security number or other identifying information, for monetary or personal benefit, profit, or gain without the informed consent of the person" (Texas Human Resources Code 2013).

Financial exploitation is a separate crime from elder abuse, which is defined as

> "any form of sexual, physical and emotional abuse; including exploitation or neglect on a person age 65 years or older" (Texas Human Resources Code 2013).

While the offenses target the same population of victims, persons charged with financial exploitation of an elderly individual face lesser penalties than a person who has committed elder abuse (Texas House Research Organization 2016).

Reporting Elder Financial Exploitation in Texas

The state of Texas applies a mandatory reporting requirement to all residents. Any person who becomes aware of or has reason to believe suspected exploitation of an elderly individual has occurred must report their suspicions to the Texas Adult Protective Services agency (APS), as mandated by the Texas Human Resources Code (2013). It is important to note that the state does not provide specific language requiring reporting of suspected financial exploitation, just the reporting of any individual suspected to be "in a state of exploitation" (Texas Human Resources Code 2013). The state's current statute provides no clarification on what constitutes a "state of exploitation" (Johnson 2013).

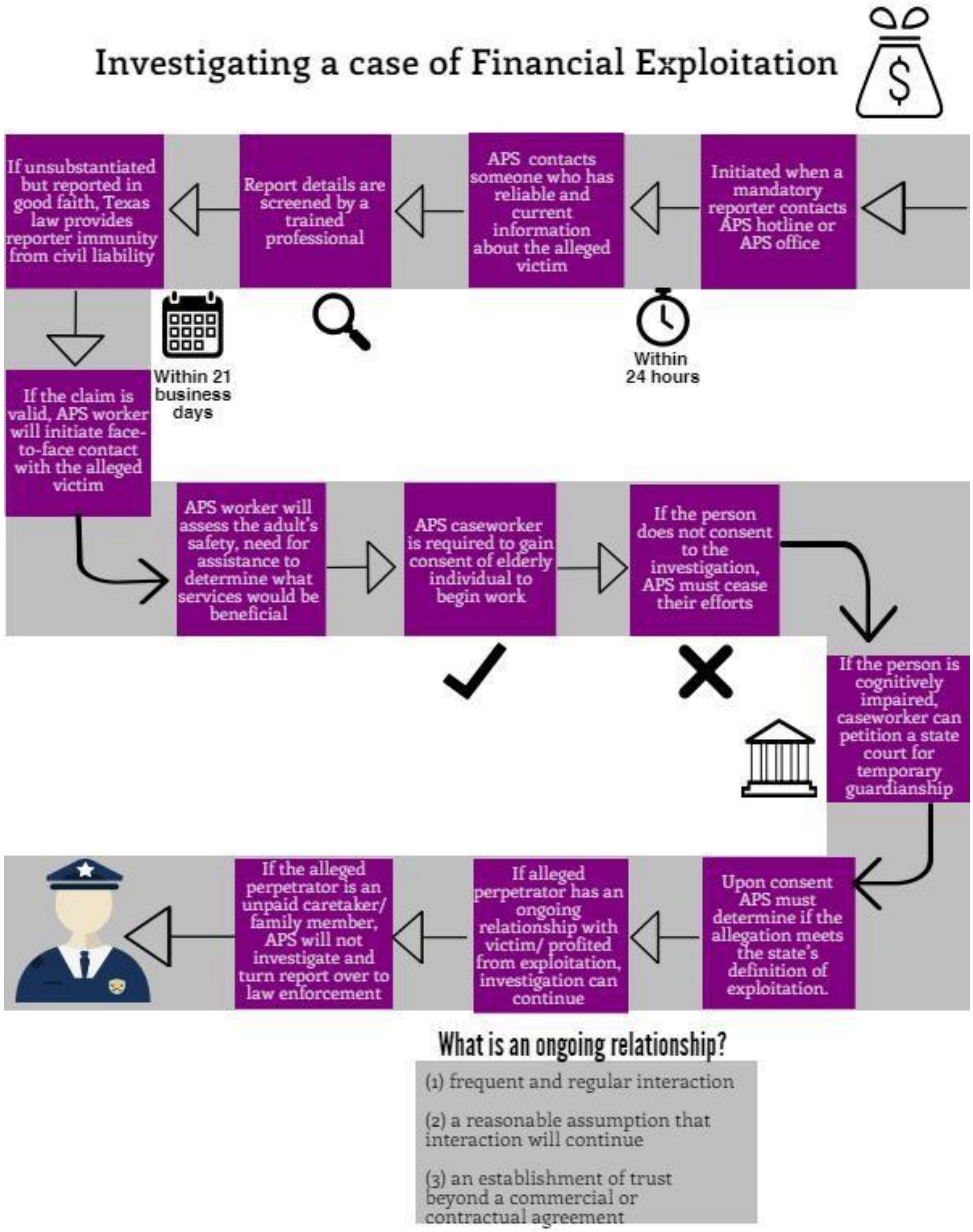
Reporting a suspected case of financial exploitation requires a reporter to provide a set of information APS can use to identify the victim, perpetrator, and the extent of the exploitation. Individuals seeking to report suspected cases are instructed to provide the name, age, and address of the elderly person or person with a disability, the name and address of the elderly person's caretaker, the nature and capacity of the elderly person, the basis of the reporter's knowledge, and any other relevant information (Texas Human Resources Code 2013). The person making this report can elect to provide self-identifying information as the caseworker responsible for investigating the report may contact the reporter in an effort to obtain additional information needed (Texas Human Resources Code 2013). Reporters are instructed to utilize a 24-hour hotline or public web portal provided by APS (Texas Department of Family and Protective Services 2016). If a reporter contacts local law enforcement regarding a suspected occurrence of financial elder abuse, the agency is supposed to direct the reporter to the APS website or hotline. This mandatory reporting requirement applies "without exception" to professionals interacting with an elderly individual in a context where communications may be "generally confidential" (Texas House Research Organization 2016). However, neither APS nor the state of Texas offer a mechanism for people interacting with an elderly individual in a professional capacity who may be privy to private information, such as medical care providers, attorneys, or employees of a financial institution, to report cases of suspected exploitation other than through public reporting channels (Johnson 2013).

APS is the state's primary reporting agency responsible for receiving reports of suspected exploitation of older, disabled, or dependent adults and is an agency of the Texas Department of Family and Protective Services (Texas Department of Family and Protective Services 2016). The program began in the mid-1970s when Congress passed Title 20 of the Social Security Act, which required states to implement programming to protect children, older adults and adults with disabilities from abuse, neglect, and exploitation (Texas Adult Protective Services 2016). The overarching purpose of APS is to investigate and ensure the safety and well-being of vulnerable adults in need of protection through the provision of services designed to stop or prevent further harm (Texas Adult Protective Services 2016).

APS is also responsible for collecting and publishing data on the total number of financial exploitation cases reported and validated each year. The existing APS database is complex, and provides limited data on the specific occurrences of financial exploitation within the elderly population. The database does provide the total number of alleged and validated cases of financial exploitation, as well as measurements of the average caseworker caseload and average length of investigation for a case of suspected financial exploitation. Just under 4,000 allegations of financial exploitation among elderly adults were reported to APS in 2015, 832 of which were deemed validated (Texas Adult Protective Services 2015). Since APS began collecting data on elder financial exploitation in 2008, 20 percent of the over 42,000 reported cases were validated (Texas Adult Protective Services 2015). Further information on the subsequent investigation and prosecution of a validated case is not provided by APS (Texas Adult Protective Services 2015).

Reporting Elder Financial Exploitation in Texas

Investigating a suspected case of financial exploitation of an elderly individual in the state of Texas is comprised of several steps, initiated when a mandatory reporter contacts the APS hotline or a local APS office. APS begins an investigation by contacting someone who has reliable and current information about the alleged victim within 24 hours of receiving a report (Texas Department of Family and Protective Services 2015). The report details are then screened by a trained professional to evaluate if it meets the statutory requirements for APS services.


Investigating a case of Financial Exploitation
Initiated when a mandatory reporter contacts APS hotline or APS office
APS contacts someone who has reliable and current information about the alleged victim
Within 24 hours
Report details are screened by a trained professional
If unsubstantiated but reported in good faith, Texas law provides reporter immunity from civil liability
Within 21 business days
If the claim is valid, APS worker will initiate face-to-face contact with the alleged victim
APS worker will assess the adult's safety, need for assistance to determine what services would be beneficial
APS caseworker is required to gain consent of elderly individual to begin work
If the person does not consent to the investigation, APS must cease their efforts
If the person is cognitively impaired, caseworker can petition a state court for temporary guardianship
Upon consent APS must determine if the allegation meets the state's definition of exploitation.
If alleged perpetrator has an ongoing relationship with victim/ profited from exploitation, investigation can continue
If the alleged perpetrator is an unpaid caretaker/ family member, APS will not investigate and turn report over to law enforcement
What is an ongoing relationship?
(1) frequent and regular interaction
(2) a reasonable assumption that interaction will continue
(3) an establishment of trust beyond a commercial or contractual agreement

If APS has deemed the claim of suspected exploitation to be unsubstantiated but reported in good faith, Texas law provides the reporter with immunity from civil liability unless the person acted with a malicious purpose (Texas House Research Organization 2016). Texas law also covers employers from civil liability if their employee reports any form of elder abuse recognized by the State Human Resources Code (2015). Furthermore, the State Finance Code (2007) does not stipulate any specific protections for financial institutions disclosing information for reporting purposes, therefore limiting the ability of financial institutions to take preventative measures in detecting financial exploitation of elderly customers (Johnson 2013).

If the suspected exploitation exhibits a valid claim of financial exploitation, an APS worker will initiate face-to-face contact with the alleged elder victim within 21 business days (Texas APS In-Home Investigations Rulebook 2016). The APS worker will assess the adult's safety, need for assistance, and determine what services, if any, would be beneficial to maintain his/her wellbeing and independence (Texas Department of Family Services 2016). Prior to an APS caseworker continuing with an investigation of a report of suspected financial exploitation, an APS caseworker is required to gain the consent of an elderly individual to begin work on the case, meaning the individual provides "assent in fact, whether express or apparent," (Texas Human Resources Code 2013; Texas Penal Code 1994). If the person does not consent to the investigation, APS must cease their efforts (Johnson 2013). If the elderly individual does not have the cognitive capacity to provide APS consent, the caseworker can petition a state court for temporary guardianship of that individual.

Upon gaining the consent of the elderly individual, APS must determine if the allegation meets the state's definition of exploitation. If the alleged perpetrator of the exploitation has an ongoing relationship with the victim and/or has profited from the exploitation, APS may continue investigating the case (Texas House Research Organization 2016). An ongoing relationship is defined as a "personal relationship that includes (1) frequent and regular interaction; (2) a reasonable assumption that the interaction will continue; and (3) an establishment of trust beyond a commercial or contractual agreement," (Texas APS In-Home Investigations Rulebook 2016). The APS caseworker cannot proceed with the investigation if the alleged perpetrator cannot be linked with the elderly individual (Texas House Research Organization 2016). If the alleged perpetrator is an an unpaid caretaker or family member of the alleged victim, APS will not investigate and immediately turn the report over to law enforcement (Texas APS In-Home Investigations Rulebook 2016).

The parameters of the state's definition of financial exploitation describe the ability of an APS caseworker to fully investigate a case of suspected financial exploitation. APS will only investigate cases where it can be verified that a victim has or has had an ongoing relationship with the alleged perpetrator, given they are deemed a "paid caretaker" (Texas House Research Organization 2016; Texas APS In-Home Investigations Rulebook 2016). Even if a caseworker is confident that a form of financial exploitation has occurred and a potential relationship was identified at the outset of the investigation, the APS caseworker cannot continue with the case if their investigation has found no ongoing relationship between the alleged perpetrator and elderly individual (Fant 2016). Further, the narrow scope of criteria implies that unless the alleged perpetrator has made financial gain from the exploitation, they may not be investigated unless they have an ongoing relationship with the elderly individual (Texas House Research Organization 2016). Thus, it is important to note that benefiting from alleged exploitation differs from deprivation of resources from exploitation. This stipulation affects both the investigation of elder financial exploitation and the penalties for committing the offense.

Only after criteria outlined in the state's definition of financial exploitation are met, a caseworker can commence a full investigation. They may contacting alleged perpetrators, the elders' family members, or persons who they interact with in a medical or financial capacity (Fant 2016). The caseworker may obtain financial records and collaborate with other departments such as law enforcement and financial institutions (Texas Human Resources Code 2013). While financial institutions are bound by Texas State Administrative Code which permits the discovery of confidential financial information by a government agency during an investigation, this permission does not allow employees of financial institutions to disclose information prior to the investigation process, therefore limiting the ability of financial institutions to detect or prevent suspected elder financial exploitation (Johnson 2013). During the investigation process, APS can also make arrangements with the individual's financial institution to protect their funds and establish short term account restrictions or management services in an effort to prevent from further fraud (Texas House Research Organization 2016). These arrangements may include allocating prepaid debit cards or placing a short term hold on transactions (Fant 2016).

The range of services provided by APS are not always provided free of charge. Texas law also includes a provision indicating the elderly individual in question may be liable to pay the state and any involved law enforcement agencies for their investigative services if they are "financially able" (Texas Human Resources Code 2013). While the state does not provide a threshold for what is considered "financially able," this provision further hinders the access of APS gaining consent to investigate a case of suspected elder financial exploitation (Johnson 2013).

APS also has limited jurisdiction and legal authority to investigate and provide protective services to those who have lost money in consumer scams originating outside of state lines. Consequently, investigations of exploitive telemarketing or the promotion of a fraudulent investment scheme will fall outside of the APS assessment criteria and be left to investigation by other government agencies such as the Attorney General, State Securities Board, or law enforcement (Texas House Research Organization 2016). Caseworkers can also determine if the alleged perpetrator should be added to the Employee Misconduct Registry (EMR), a public database maintained by Texas Health and Human Services for unlicensed personnel who commit acts of abuse, neglect, or exploitation. This registry bars people from certain jobs that involve working with people with disabilities. APS submits a perpetrator's name to EMR after all due process and appeals (Texas Department of Family and Protective Services 2015).

Once an APS caseworker has completed the investigation and has determined elder financial exploitation, the caseworker or supervisor must notify the appropriate law enforcement agency and turn over the investigation report to local law enforcement in a "timely manner" (Texas Human Resources Code 2013). The law enforcement agency then is responsible for conducting their own investigation and deciding whether to charge the alleged perpetrator with criminal exploitation of an elderly individual (Texas Human Resources Code 2013). The perpetrator must receive a due process hearing before APS is permitted to share information about the case with financial institutions, employers, or other non-governmental agencies (Texas House Research Organization 2016).

Penalizing Elder Financial Exploitation in Texas

Financial exploitation of an elderly individual carries a criminal penalty in the state of Texas. The state classifies failure to report elder abuse as a Class A misdemeanor, punishable by a $1000 fine and a year in jail (Texas Human Resources Code 2015). If a claim of suspected financial exploitation was reported with malicious intent, the offense is deemed a Class B misdemeanor, subject to a $2000 fine and 180 days in jail (Texas Human Resources Code 2013; Texas Penal Code 1994). The offense of elder financial exploitation is a third degree felony, punishable by a $10,000 fine and up to 10 years in jail (Texas Penal Code 2013). However, given the state's narrow definition of financial exploitation and its limitation to "persons with an ongoing relationship," the state provides no specific criminal penalty for financial exploitation committed by an individual unknown to the elderly individual (Texas Human Resources Code 2013). Texas law does include individuals working in an assisted care context to be considered persons in an ongoing relationship with an elderly individual (Fant 2016).

The Texas Penal Code provides increased terms for other criminal acts perpetrated against an elderly individual, depending on the act. Criminal offenses such as theft and fraud have felony penalties attached if the offense was committed against an elderly individual (Texas House Research Organization 2016). Misappropriation of resources and breach of fiduciary duty committed against an elderly individual may also carry increased penalties, reaching a felony offense if the value of the property misapplied is less than $2,500 (Texas Penal Code 2015). The law also attaches increased penalties to the offense of abuse of an elderly family member, but exploitation of a family member does not face increased penalties (Texas Penal Code 2015).

Texas does not provide a specific civil course of action for financial exploitation of elders, despite its increasing elderly population. The state provides no specific provision availing an elderly individual of civil remedies to financial exploitation unless a professional caregiver, including in-home care and nursing home employees had committed the act of the exploitation (Fant 2016). Victims wishing to receive restitution for the exploited funds or assets may seek legal action through broader avenues of the law such as fraud, breach of contract, or conversion (Texas House Research Organization 2016). Breach of fiduciary responsibility, be it by a financial institution or other actors such as trustees, guardians, and conservators, is subject to criminal charge and fine (Texas Penal Code 2015) as well as civil action, if it is filed within four years of the occurrence. (Texas Civil Practices and Remedies Code 1999).

Policy and Programming Efforts to Confront Elder Financial Exploitation in Texas

Despite the growing population of elderly Texans, the state expanded its laws to provide elderly residents greater protection from financial exploitation. The Texas legislature has passed no single legislation to address financial crimes and exploitation against the elderly since 2012, nor has the Texas DFPS proposed any rule changes to the Texas Administrative Code specifically regarding elder financial exploitation (Texas Department of Family Services 2016). The state's legislature has introduced and passed measures addressing issues pertaining to the supervision of a dependent or elderly adult's finances, specifically concerning guardianship and powers of attorney (Texas House Research Organization 2016). The 84th Legislature enacted 10 bills in

2015 that revised guardianship requirements, standards, and programming (Texas House Research Organization 2016), largely with regard to guardianship of a child.

While the Texas legislature has not sought to remedy shortfalls in financial exploitation protection through policy, a number of state agencies have administered outreach and awareness campaigns. APS provides voluntary training to financial institutions and members of law enforcement to detect and prevent financial exploitation from occurring, but no formal training is required by law (Texas House Research Organization 2016). The Texas Attorney General, State Securities Board, and Consumer Protection Division all provide educational and informational materials for caretakers, elderly individuals and financial institutions on their websites, but offer no services to an elderly individual once exploitation has occurred (Texas House Research Organization 2016).

Texas' state level Alzheimer programs include the Alzheimer's Disease Program and the Texas Council on Alzheimer's Disease and Related Disorders, both housed at the Department of State Health Services. The Alzheimer's Disease Program contributes to the council's mission and goals by providing information and support to those affected by Alzheimer's as well as by increasing awareness of the disease (Texas Department of Health and Human Services 2016). Within the Alzheimer's Disease Program, the council makes recommendations for action at the state level to the Governor and Speaker of the House, disseminates information on Alzheimer's services, coordinates activities between state agencies and non-governmental organizations, encourages coordinated research within the state, and implements a statewide strategic plan to reduce the burden on those affected by Alzheimer's diseases (Texas Department of Health and Human Services 2016). The Council has increased the state's Alzheimer's research efforts by establishing, funding and expanding the Texas Alzheimer's Research and Care Consortium (TARCC) (Texas Department of Health and Human Services 2016). The Council has requested that ADP produce a report on data and barriers to population-level data collection on Alzheimer's disease. Also, the council has begun updating the Texas State Plan on Alzheimer's Disease (Texas Department of Health and Human Services 2016).

In 2010, the Texas Department of State Health Services, the Texas Council on Alzheimer's Disease and Related Disorders, and the Alzheimer's Associations in Texas held a town hall to develop a Texas State Plan on Alzheimer's Disease. However, this plan was only operational until 2015 and a subsequent town hall has yet to update the plan (Texas Department of Health and Human Services 2014).

Existing Texas law is largely inadequate in confronting the issue of elder financial exploitation. The contradictions and gaps in existing policy enacted to report, investigate, and prosecute suspected financial exploitation of the State's growing elderly population are apparent in every level of the law. However, Texas is just one of many states with inconsistent and unclear policy surrounding elder financial exploitation, a point emphasized throughout academic literature. Elder financial exploitation policies throughout the U.S. are largely inconsistent, providing ambiguous definitions of financial exploitation and who it applies to as well as unclear processes for reporting, resulting in infrequent reporting and prosecution (Jirik and Sanders 2014). This "patchwork" of individual laws create difficulties for responsible professionals charged with reporting and preventing exploitation as well as the population the policies are designed to protect (Jirik and Sanders 2014). Remedies addressing these shortfalls are outlined in the following section.

Models for Prevention, Detection, and Prosecution of Elder Financial Exploitation

Elder financial exploitation can be confronted at the institutional level through policy and programming efforts.Implementation of guardianship laws, mandated reporting, and disinheritance, as well as the formation of multidisciplinary teams have all been considered and implemented in multiple states to complement existing elder financial exploitation policies. The following section will discuss each of these methods in depth.

Prevention: Guardianship and Disinheritance Laws

Caregivers for people with Alzheimer's disease often reach a point when they recognize that their loved one is no longer able to make rational or informed decisions. This is when guardianship can be an important tool for families (Alzheimers.net 2016). The state of Texas defines guardianship as "cases involving the establishment of, or a controversy over, the relation existing between a person (guardian) lawfully invested with the power and charged with the duty of taking care of the rights of a minor or adult (ward) who is considered by the court as incapable of caring for himself/herself" (Slayton 2015). Guardianship can be a crucial protection measure since a quarter of all elderly people will experience financial or physical abuse at some point, but it should be seen as a last resort after less drastic measures are examined because the guardianship process can be time consuming, contentious, and expensive.

Texas guardianship law offers a course of action when a person is no longer able to make rational, clear-headed decisions about health care, finances, or other aspects of life. Guardianship is given to a court-administered person to take care of a minor or an elder who has lost the capacity to think clearly as a result of Alzheimer's disease or other dementia-related impairments. With guardianship, the court transfers the responsibility for managing finances, living arrangements, and medical decisions to the guardian (Guardianship Services 2016). Nearly 100,000 probate and guardianship cases were filed in Texas in 2015 with most instances involving an adult ward/ proposed ward (Slayton 2015). The Texas judiciary reported more than 54,459 guardianships active by the end of the 2015 fiscal year. Because having a guardian takes away a person's individual rights, it is often argued that it should be the last choice, but the rising rates of Alzheimer's disease may lead to increased numbers of guardians for impaired elders (Guardianship Services 2016).

Texas law authorizes the appointment of guardians in one of two ways: A judge with probable cause to believe a person is incapacitated may initiate proceedings to determine if the individual is in need of a guardian's support, or, and more commonly, a third party may file a petition in court, asking for a guardian to be appointed for an individual thought to be incapacitated (Gaebler 2014). The court requires a certificate of medical examination (CME) or a document establishing intellectual disability, depending on the type of alleged incapacity before guardianship is awarded. The examining physician answers specific questions about the person's mental and physical capabilities (Guardianship Services 2016). When the court appointment is made, the person the guardian cares for becomes a ward of the court. The court can also decide whether to place limitations on a guardian's authority and establish how much freedom wards have to make their own decisions (Texas Guardianship Association 2015).

The probate courts in Texas generally supervise guardianship (Schraegle 2016), but Texas law spreads guardianship jurisdiction across three different court systems: statutory probate courts, county courts at law, and constitutional county courts (Gaebler 2014). A probate court probates the wills of deceased persons, declares the heirs of deceased persons who die without a will, establishes guardianships for incapacitated persons and minors, and supervises court-ordered involuntary mental health commitments (The Probate Courts of Dallas County 2016). In Texas, the courts try to allow the ward to keep as much autonomy as possible by using the doctrine of least restrictive alternatives -a course of action or an environment that allows the ward to live, learn, and work with minimum restrictions on him/her (Schraegle 2016). This can be impacted by type of guardianship delegated.

There are two types of guardianship - guardianship of the estate and of the person. The guardian of the estate is in charge of the ward's property and finances, while the guardian of the person is in charge of care and custody of the ward. Factors considered in the guardianship proceeding include 1) the extent of the ward's diminished incapacity 2) the necessity of guardianship, and 3) the most appropriate person to be appointed guardian (Gaebler 2014). "The best interest of the ward" is the underlying guideline for all decisions (Garvin 2008). Family members are given preference over guardianship programs or the Texas Department of Aging and Disability Services (DADS). Potential guardians can be disqualified because of criminal convictions and unusual amounts of debt to the ward (Guardianship Services 2016). Anyone who is indebted to the ward or who has an adverse claim to the ward's property cannot serve as a guardian (Schraegle 2016).

Once appointed, guardians are responsible for the daily care, maintenance, and support of the ward. The guardian must also provide, or contract to provide for, the ward's housing, meals, supervision of medication, and health care (Johnson 2013). All expenses are paid for by the ward's estate because a guardian is not fiduciary responsible for these items from their own personal assets. The guardian cannot legally force the ward do anything against his or her own will and should try to gain the ward's cooperation and permission if possible (Garvin 2008). Guardians are required to periodically report to the court for funds received and expenses paid on behalf of the ward from the ward's accounts (Colby 2012). The guardian must also continually show the court that all choices are made on the ward's behalf and best interest. Guardians who fail to meet their legal obligations to their wards can be removed as guardian by the court and face legal repercussions.

Guardianship is a difficult process to complete because of the ambiguous determination of capacity, high costs of guardianship administration, court monitoring, and data collection (Uekert 2010). Attorney fees can be costly and court time drawn-out because it involves a legal action against the person in question, which may result in a loss of their rights. Establishing a guardianship can be expensive, and the costs of administering a guardianship of the estate can easily exceed the annual income of the estate (Texas Guardianship Association 2015). There are alternatives to guardianship that persons of limited financial income can consider such as durable power of attorney, medical power of attorney, living will, a surrogate decision maker, or a trust (Schraegle 2016).

Disinheritance laws represent another legal mechanism in which criminal cases can brought brought against perpetrators of elder financial exploitation. Such laws prevent a perpetrator from benefitting financially from their victim and have been implemented in eight states: Arizona, California, Illinois, Kentucky, Maryland, Michigan, Oregon, and Washington (Irwin 2016).

These approaches can either be classified as total elder abuse disinheritance statutes which strips the perpetrator of all financial gains, or partial elder abuse disinheritance statutes which could allow some financial gain depending on severity of the crime (Irwin 2016). If an elder names a beneficiary who will inherit the elder's money or assets, but that individual has defrauded the elder, the existing laws would not supersede the will and so perpetrator could still claim the inheritance.

An issue in six of the eight states that have enacted these statutes is the requirement of a criminal conviction (Hunt 2014). In these states, if a perpetrator is not convicted of a felony, then the victim could not apply this statute to the case. Without the application of this legislation, abusers could still financially benefit from the crime, even when there is a conviction, but one of a lesser degree. The criminal conviction caveat disincentives family members from reporting and prosecuting abuse because they may lack the needed evidence for such a conviction (Hunt 2014).

Detection: Mandated Reporting

Mandated reporting of financial institutions is a complex concept with no specific definition in the context of suspected financial exploitation. In the context of financial exploitation, mandatory reporting "places the duty of reporting on others," allowing an occurrence to be investigated "without the victim reporting [the suspicious activity] themselves" (Pomerance 2015). Many mandated reporting laws came into effect during the 1980s after a growing prevalence of elder abuse was identified in a series of scientific studies (Rodriguez et al. 2006). Mandated reporting is defined as a requirement of another individual to inform law enforcement or a designated government agency of a reasonable suspicion of illegal or otherwise harmful activity (Pomerance 2015).

Twenty-six states and the District of Columbia have blanket mandatory reporting policies requiring all individuals to report suspected elder financial exploitation, including the state of Texas (CFBP 2016). As of 2012, 15 states require all persons to report suspected elder abuse, while 11 states require financial professionals to report abuse (NASUAD 2012). Regardless of these policies, many professionals required to report who are in frequent contact with the elderly, such as health care clinicians, financial institutions, and other governmental employees, do so infrequently (Lee 1985; Rodriguez et al. 2006).

There is little evidence of the effectiveness of mandatory reporting requirements. Underreporting of elder abuse is still apparent even in states with blanket reporting clauses. Estimates are that upwards of 85 percent of all elder abuse cases are never reported to APS agencies (Lee 1985; O'Neill and Vermeal 2015). Differences in reporting methods, varying definitions, and patient-provider concerns contribute to this phenomenon (O'Neill and Vermeal 2015; Jirik and Sanders 2014). Cultural, religious, and/or ethical beliefs, as well as a general lack of awareness, can also add to the complexity of identifying and subsequently reporting all forms of elder abuse (O'Neill and Vermeal 2015). Moreover, mandatory reporting laws may diminish an elder's autonomy, which discourages individuals from filing a report, especially if the individual filing the complaint is not guaranteed confidentiality (Lee 1985).

Low levels of reporting by professionals who are in regular contact with elderly individuals stems from a range of issues. Medical professionals have a unique relationship with elders and they have have low rates of reporting because of three paradoxes identified by physicians: 1) physician-patient rapport may be compromised; 2) patient's quality of life might diminish and autonomy may decrease as a result of reporting; and 3) fear of liability leads physicians to require absolute proof rather than suspicion of abuse before reporting (Rodriguez et al. 2006).

Financial professionals are in a unique position to identify and report suspected exploitation of elderly customers, but they face hurdles in disclosing confidential information to investigators. The financial services industry is hesitant to report suspected financial exploitation of any individual because they may be at risk of a civil liability claim for disclosing a customer's private information without prior consent (Johnson 2013). The banking industry has been vocally opposed to mandated reporting provisions requiring disclosure of a customer's information without their consent, as gaps between individual state federal laws on mandatory reporting could prompt legal action for violation of banking privacy laws (Lemke and Moskowitz 2005). The Gramm-Leach-Bliley Act of 1999 allows financial institutions to disclose private customer information to a government agency prior to a request for information for the purpose of reporting suspected financial exploitation without gaining prior consent from a consumer (CFPB 2016). This provision relieves financial institutions of federal liability when reporting suspected abuse or providing information during an investigation (Johnson 2013), increasing their willingness to report suspected cases.

Unlike federal financial reporting requirements Texas law does not provide specific liability protections to financial institutions, therefore increasing the risk of in-state financial institutions to report a suspected case. Because of this difference between federal law and Texas law, financial institutions hesitate to report suspected financial exploitation at risk of legal action (Johnson 2013) .While the Texas Administrative Code allows for any state agency to issue a subpoena for financial information, it does not provide enough protections to allow financial institutions to take preventative measures in detecting financial exploitation of elderly customers (Johnson 2013). Texas does protect all mandatory reporters through a blanket immunity clause that also covers employers from civil liability if their employee reports any form of elder abuse (Texas Human Resources Code 2013), but does not stipulate any specific protections for financial institutions with regard to disclosing information for reporting purposes (Texas Finance Code 2007). This gap in federal and state law is apparent throughout the nation, and exemplifies the hesitation of financial institutions throughout the country to engage in reporting of suspected financial exploitation without specific state protections (Callaway 2011).

Enacting legislation requiring medical and financial professionals to report suspected cases of financial abuse and potentially participate in an investigation regarding the exploitation of elderly individual's finances presents a complex legislative challenge. Reporting private information without the consent and knowledge of an elderly individual potentially restricts the autonomy of that individual while simultaneously disturbing their financial privacy (Pomerance 2015). Consideration of legislation mandating reporting of cases of suspected elder financial exploitation by financial institutions or other professionals must establish a balance between these conflicting interests of autonomy and proactive protection and evaluate the implications of placing greater weight on either (Pomerance 2015).

Investigation: Multidisciplinary Collaboration to Address Elder Financial Exploitation
Detecting and prosecuting elder abuse is difficult because it crosses many disciplines and requires the attention of various parties (Lichtenberg 2016). The difficulty in prosecuting is due to a lack of a national reporting standard and an interconnected responsibility between many disciplines (Navarro, Gassoumis, and Wilber 2012). The more disciplines that come together to collaboratively address the issue of financial elder abuse, the more effective they are in detecting, prosecuting, and preventing future cases.

The importance of involving many different entities in the evaluation of elder financial exploitation is key. State-level elder abuse summits, the collective participation of multiple entities, have a "positive impact, typically in promoting legislative change or improving interdisciplinary relations" (Anetzberger and Balaswamy 2010, 185). Law enforcement, adult protective services, health care services, financial services, and the legal system are some of the actors that are and must be involved in elder financial abuse cases (Lichtenberg 2016; Navarro, Gassoumis, and Wilber 2012).

In 1998, Kentucky established Local Coordinating Councils of Elder Abuse (LCCEAs) to address the growing problem of elder abuse, and with a growing prevalence, today their efforts expand to include financial elder exploitation (Teaster and Wangmo 2010). An analysis of these councils revealed that their purpose was to identify service gaps and systematic challenges and advocate for change; however, their funding sources were unreliable because they were comprised of a variety of unsustainable, inadequate sources (Teaster and Wangmo 2010). These teams are similar to the Multidisciplinary Team Model (MDT) approach, used across the country, as they include members from APS, law enforcement, and health services (Teaster and Wangmo 2010). The only difference in the MDT approach and the council approach is the addition of an advocacy component. The goals of the advocacy team are to educate the public on elder abuse and facilitate their understanding of this crime. Kentucky revamped its elder abuse legislation during the 2016 session, including that a Commonwealth's attorney can utilize MDTs during the process of prosecuting elder financial exploitation (Kentucky Revised Statutes 2016).

The collaboration of MDTs assists the process of determining exploitation cases, collecting evidence, and providing support during prosecution. The use of MDTs has increased over the last 20 years; they have been credited with not only helping service providers resolve difficult cases of financial elder exploitation, but also enhancing the service coordination with agencies through policy, procedure, and role clarification and identifying systemic problems (Teaster, Nerenberg, and Stansbury 2003). A national overview of MDTs revealed that the importance placed on APS to lead the efforts of the MDTs is crucial for both administrative and funding purposes (Teaster, Nerenberg, and Stansbury 2003). APS is one of the main agencies tasked with reporting elder financial exploitation, and their role within these teams is crucial to provide support and facilitate the process of taking cases to court to be prosecuted. APS is also the primary funding source for many MDTs, as they reserve their programming budget to assist with funding their operations (Teaster et al. 2003). Teaster, Nerenberg, and Stansbury highlight the strength of MDTs for their ability to mobilize a wide range of professionals from different disciplines to address a complex and growing problem-financial elder exploitation (2003). In a case study analysis of MDTs addressing financial elder exploitation in California, the chance of submittal to the District

Attorney's office increased by 10 percent when investigated by these teams, with conviction rates of the same caliber (Navarro, Gassoumis, and Wilber 2012).

Prosecution: Criminal vs. Civil Prosecutions of Elder Financial Exploitation

Perpetrators of elder financial exploitation may face criminal and civil penalties, depending on the severity of the crime and the state in which the crime was committed. Criminal and civil cases are both violations of the victim's rights, but they differ in severity, burden of proof, and penalty (The Mississippi Bar 2016). Criminal law is a crime against society and a case is filed by a local, state, or federal government on behalf of a victim (National Crime Victims Bar Association 2014).In criminal cases, those accused of a crime, or defendant are considered innocent until proven guilty through evidence presentation, cross-examination of witnesses, and hiring of attorneys (National Crime Victims Bar Association 2014). If a defendant is found to have committed a crime "beyond a reasonable doubt," they are subject to penalties established by the government entity, typically through a fine or incarceration (National Crime Victims Bar Association 2014). Defendants may be required to pay restitution to the victim if ordered by the court however, restitution can not be ordered in cases where damages are not economic in nature (National Crime Victims Bar Association 2014).

Contrary to criminal allegations, civil suits are not brought by a government entity but a private citizen or entity (National Crime Victims Bar Association 2014). Such cases can be brought regardless of the outcome of a criminal prosecution and are brought before a court to determine if a defendant is liable for the charges brought by a victim, or plaintiff. If a defendant is found liable by a "fair preponderance of the evidence, the court can then order the party deemed liable to compensate the affected party for both economic and noneconomic damages (National Crime Victims Bar Association 2014). In Texas, noneconomic damages are capped at $500,000 and economic damages are capped at two times the economic damage amount or $200,000 (Texas Civil Practice and Remedies Code 2009). Texas does not provide a recognized mechanism for victims of financial exploitation to bring civil charges against their perpetrator.

Criminal and civil cases of elder financial exploitation cannot be prosecuted or litigated without proper and adequate reporting. Historically, elder abuses including financial exploitation have not been viewed as criminal activity as suspected cases reported to state APS agencies or other community organizations were only brought to civil courts (Heisler 2000). Moreover, law enforcement agencies believed financial exploitation was not a serious issue and they lacked the training and experience to handle cases that were reported to their offices (Heisler 2000). Minimal prosecution rates also stemmed from the fact that many cases were not reported. Since there is not a national standard or mechanism for elder financial exploitation, when victims do report incidences, they may not report to the proper authority. Only recently have cases of elder financial exploitation have begun a transition to the criminal courts as a result of strengthened state statutes as well as the severity of damages and the required processes for evidence collection have been increased (Navarro, Gassoumis, and Wilber 2012).

In the last decade, the criminal investigation and prosecution of elder abuse cases including those regarding financial exploitation has been apparent (Heisler 2000). Professionals across disciplines have begun to recognize the severity of elder financial exploitation requiring the appropriate training and prosecution methods to properly address the issue. As a result, several states have enacted statutes that result in automatic criminal prosecution when perpetrators are found guilty in cases of elder financial exploitation (Heisler 2000). Regardless of this legislative progress, a substantial body of data on the prevalence of prosecution of cases of financial elder exploitation is sparse.

Since criminal investigations require specific evidence, it is difficult to prosecute cases of elder financial exploitation as criminal charges (Heisler 2000). Securing evidence of elder financial exploitation is difficult, especially when perpetrators are often strangers and are "long gone" by the time the case is recognized (Choi and Mayer 2000). By the time acts of elder financial exploitation are discovered, evidence could have been destroyed or changed or witnesses could have forgotten information or died (Heisler 2000) and the lack of evidence restricts the courts from prosecuting certain cases as criminal acts. Certain statutes and laws, for example disinheritance laws and slayer statutes, can only be utilized with a criminal conviction.

Effect of Victim Health on Prosecution Outcomes

The perception of elder financial exploitation within a criminal court setting is complex, especially in instances where a victim suffers from a cognitive impairment. A 2013 case study discussed a variety of factors which played into the perception of financial elder exploitation, finding female jurors more likely to side with the victim, issuing more guilty verdicts than men on the same jury (Golding et al. 2013). Further, younger and older jurors issued more guilty votes than middle-aged jurors Golding et al. 2013). The study also took the health of a victim into consideration when studying the outcome of a jury decision (Golding et al. 2013). Victims who were healthy elicited more guilty verdicts than those with cognitive impairment (Golding et al. 2013). This anecdote suggests that jurors may become angry that alleged healthy victims put themselves in dangerous situations to have money stolen, so they render a guilty verdict because they believe victims could have prevented these acts. Alleged victims that are cognitively impaired are thought to not possess the mental capacity to know if they are being robbed or not, so it is difficult for a jury to issue a guilty verdict to perpetrators; thus, eliciting more non-guilty verdicts within this population.

Selected State Policies Confronting Elder Financial Exploitation

Elder financial exploitation has not reached great issue prominence within the U.S. and as a result, state laws designed to prevent, detect, and penalize the offense tend to be vague and inconsistent. Existing state policies regarding elder financial exploitation range from all encompassing approach exemplified in Utah, to the inconsistent statutes containing technical loopholes and gaps in apparent Texas. The following section will discuss laws and programs in Florida and California, two peer states, which have confronted elder financial exploitation. The advantages and limitations of each approach will be discussed.

Florida as a Peer State to Texas State Model

According to the 2010 U.S. Census Bureau, Florida has the highest percentage of elderly in their population. The state estimates that its elderly population will constitute 56.9 percent of statewide population growth between 2010 and 2030. This section will review Florida's statutes and state programs regarding financial exploitation.

STATUTES

The first difference in financial exploitation between Florida and Texas is the definition of elderly person. Unlike the state of Texas, which defines an elderly person as age 65 or older, Florida defines an elderly person as someone, “60 years of age or older who is suffering from the infirmities of aging as manifested by advanced age or organic brain damage, or other physical, mental, or emotional dysfunctioning, to the extent that the ability of the person to provide adequately for the person's own care or protection is impaired” (Florida Statutes 1999).

Florida maintains an entire chapter in their legal code on crimes of financial exploitation of the elderly. Texas law identifies financial exploitation if it is perpetrated by, “a caretaker, family member, or other individual who has an ongoing relationship with an elderly person” (Texas Human Resources Code 2013). Texas law does not address financial exploitation by a stranger. In addition to financial exploitation by caretaker, family member or an individual with an ongoing relationship, Florida law identifies that financial exploitation can be committed by any, “person who knows or reasonably should know that the elderly person or disabled adult lacks the capacity to consent” (Florida Statute 1999). This allows for the prosecution of strangers who commit financial exploitation of an elderly individual.

Florida’s statutes provide specific information about the financial exploitation of the elderly. For example the laws enumerate methods of financial exploitation based on the relationship between the perpetrator and the elderly person and the law includes penalties based on the dollar amount of exploitation (Florida Statute 1999). For example, if the exploitation exceeds $50,000 the offense is considered a felony in the first degree, but if the exploitation is between $10,000 and $50,000 the offense is a felony in the second degree (Texas Human Resources Code 2013).

Florida law includes neglect to protect a vulnerable adult from exploitation as punishable by law. Explicitly it defines neglect as, “failure of a caregiver or vulnerable adult to make a reasonable effort to protect a vulnerable adult from abuse, neglect, or exploitation by others” (Florida Statutes 1999) It is considered a felony in the third degree (Florida Statutes 1999). Texas considers neglect only there is some physical or emotional consequence. In Texas exploitation has its own criminal category in which only a perpetrator is punishable (Texas Human Resources Code 2013). Unlike Texas, Florida maintains a mandatory reporting law that includes nurses, doctors, and financial professionals (Florida Statutes 2012). In contrast, Texas does not mandate banks or credit unions to report suspected financial exploitation (Texas Human Resources Code 2013).

STATE LEVEL PROGRAMS

Florida’s Department of Elder Affairs manages elder abuse reporting and operates 11 Aging and Disability Resource Centers throughout the state which serve as a single, coordinated system for information and access to services for all Floridians (Department of Elder Affairs 2011). The department maintains an Elder Abuse Prevention Program designed to increase awareness of elder abuse, neglect and exploitation and to decrease the prevalence of these by providing training, prevention materials, and funding for related projects (Department of Elder Affairs 2011). In addition to these activities the program also provides specific strategies for communicating with individuals who have Alzheimer’s disease or related dementias about abuse, neglect and exploitation

(Department of Elder Affairs 2011). The Department of Elder Affairs also promotes the Alzheimer's Disease Initiative. The initiative provides services for those affected by Alzheimer's disease and dementia related diseases including counseling, consumable medical supplies, relief, memory disorder clinics, research database, and model day care to test therapeutic models of care (Department of Elder Affairs 2011).

Although Texas operates similar programs they do not exist within one elder care focused department as they do in Florida. Instead, these Alzheimer's disease initiatives exist within programs at the Texas Department of State Health Services. Texas does not have a state program to address elder abuse specifically or elder abuse of those suffering from Alzheimer's disease or related dementias.

While Texas has implemented statutes to address financial exploitation and programs to address Alzheimer's disease, they lack the detail, focus and coordination of Florida's laws and programs. Florida's laws and statutes are explicit in their definitions and punishments, which increase deterrence and enable smoother prosecution for financial exploitation. The state benefits from maintaining an entire department for elder affairs because this allows for greater strategic and budgetary focus on elder-specific issues. It also benefits from including Alzheimer's and dementia related diseases in its efforts to combat abuse, neglect and exploitation.

California's Financial Elder Abuse Reporting Act

The financial services industry at large is reluctant to report suspected financial exploitation of any individual, regardless of age. Discrepancies between state and federal laws make financial institutions responsible for navigating vaguely defined reporting requirements, leaving firms susceptible to civil legal action (Petrasic et al. 2015). Inclusion of specific reporting requirements in the California law addresses this concern and provides a model for perhaps the strongest elder financial exploitation reporting law in the country (Petrasic et al. 2005). The state's Financial Elder Abuse Reporting Act of 2005 is designed to protect Californians over the age of 65 from financial exploitation by deeming all residents, regardless of profession, as a mandatory reporter (California Financial Elder Abuse Act 2005).

California law provides a detailed reporting requirement. The statute requires reporting from anyone who has observed or has gained knowledge of unusual behavior, unusual circumstances or transactions, or a pattern of behavior or unusual circumstances or transactions, that would lead an individual to reasonably believe that an elderly adult may be a victim of financial exploitation (California Financial Elder Abuse Reporting Act 2005). The law also specifies when an allegation is not sufficient to trigger the reporting requirement. If a mandated reporter is not aware of any corroborating or independent evidence separate from their initial claim or they have reason to believe financial exploitation of an elder did not occur, the state will not investigate the report (California Financial Elder Abuse Reporting Act 2005).

The act also includes specific language on the involvement of financial institutions in cases of suspected financial abuse. All employees of financial institutions as well as anyone who "reviews or approves the elder or dependent adult's financial documents, records, or transactions, in connection with providing financial services with respect to an elder or dependent adult," is required to alert APS or local law enforcement within two business days (California Financial Elder Abuse Reporting Act 2005). The law is intended to span a range of financial service providers to detect a pattern of suspected exploitation extending from bank tellers to loan officers (Petrasic et al 2015). Once a report has been filed, the law requires all employees of a financial institution to report any evidence of exploitation, including the victim's personal information, signature, transaction records, and the dollar value of the funds or assets under suspicion in the 30 days before and after the suspected exploitation (Financial Elder Abuse Reporting Act 2005). Texas does not have equivalent legislation.

<u>Statutes</u>

Penalties for failing to report elder financial exploitation in California are among the harshest in the nation. The state dictates a maximum civil penalty of $1,000 for failure to report and a civil remedy penalizing a financial institution for intentionally breaching their duty as a mandatory reporter with a $5,000 fine (California Financial Elder Abuse Reporting Act 2005). Unlike other states requiring reporting from all residents, California protects reporters, as well as APS employees and law enforcement from potential criminal and civil liabilities resulting from a report (California Financial Elder Abuse Reporting Act 2005). The law goes so far as to allow mandated reporter to make a claim with the California State Board of Control for "legal fees incurred in any action against that person on the basis of making a report" (California Financial Elder Abuse Reporting Act 2005).

<u>State Level Programs</u>

California law also provides mechanisms to increase reporting of elder financial exploitation and expand awareness of the issue. The law requires county APS offices to provide instructional materials educating the public on obligation to report a suspected case of elder financial exploitation (California Financial Elder Abuse Reporting Act 2005). By law, information provided by county APS offices must include a definition of financial exploitation, how to recognize potential forms of exploitation, and how and what to report to the APS agency (California Financial Elder Abuse Reporting Act 2005). While the law does not require financial institutions to provide training on elder financial exploitation to employees, California APS partners with the U.S. Department of Justice and the California Bankers Association to provide optional training for staff and officers of financial institutions in additional effort to successfully implement the terms of the Act (Callaway 2011).

Unlike California, no coordinated program between Texas financial institutions and the state currently exists. Institutions may have individual programming efforts, but the State does not require dissemination of information to elderly individuals be it at a state agency or private branch. Trainings on how to detect and a suspected case may be also administered by a given institution voluntarily. However, considering Texas does not require financial institutions to report suspected cases, no incentive in requiring trainings is apparent.

Institutions may have individual programming efforts, but the State does not require dissemination of information to elderly individuals be it at a state agency or private branch. Trainings on how to detect and a suspected case may be also administered by a given institution voluntarily. The Texas Department of Banking (2016) provides "educational opportunities" by directing those interested in protecting elderly customers from financial exploitation to the website of the Texas State Attorney General website. The site offers bank tellers videos of "four common scenarios," courtesy of the Oregon Attorney General's office, but does not offer any specific training. Instead, the website directs tellers to report a case to APS, but does not indicate the state's limited liability protection for actors of financial institutions who report without consent of the consumer (Texas Attorney General 2016). However, considering Texas does not require financial institutions to report suspected cases, no incentive in requiring trainings is apparent.

Legislation reflective of California's are being considered in Texas. The state's baking lobby, the Texas Bankers Association, has identified elder financial exploitation as a priority for the 2017 legislative session (Texas Bankers Association 2016). The group is directing staff to consider legislative options providing institutions with "more options to serve their customers" affected by a suspected case of exploitation (Texas Banking Association 2016). The Association also notes that protection for action and inaction should be provided to financial institutions if such measures were enacted (Texas Bankers Association 2016). While the issue has reached agenda status for the organization, TBA does not currently provide information or trainings to industry professionals regarding prevention or detection of elder financial exploitation (Texas Bankers Association 2016).

Conclusion

Elder financial exploitation is a problem increasing the pace of the nation's population over the age of 65. The second most common form of elder abuse affecting an estimated five percent of the elderly population (Lichtenberg 2016) and resulting in financial losses between $2.9 and $36.5 billion each year (CFPB 2016). Regardless of this, nationwide research efforts on elder financial exploitation have stagnated due to underfunding of federal legislation designed to promote financial elder abuse awareness and protection (Dong and Simon 2011). This has resulted in states forming inconsistent laws regarding the prevention, detection, and prosecution of financial exploitation of the elderly, resulting in underreporting and leaving a growing elderly population vulnerable (Jirik and Sanders 2014). The national disinterest in confronting this growing issue could leave the aging population economically vulnerable, eventually shifting the burden from the individual to the government and thus, affecting the community as a whole.

Inconsistencies in policy and limited interest in research regarding financial exploitation are apparent in Texas, home to the nation's third largest elderly population (Texas Demographic Center 2016). The state currently defines financial exploitation as the illegal or improper use of an elderly individual's funds, property, or assets (Texas Human Resources Code 2014) but provides limited resources to preventing, investigating, and prosecuting such crimes. Many other states have adapted models of combating elder financial exploitation and including the use of multidisciplinary teams, financial institution reporting requirements, and expanded policy measures designed to protect this growing population from a breach of trust by a loved one.

Opportunities to engineer policies conducive to filling the gaps identified in this paper are present, but the funding and desire to conduct such research and policies are also limited. Moreover, federal legislation, such as the Elder Justice Act and Older American Act, have not been renewed to their full capacity, leaving many state adult protective services agencies without adequate funding to function at full capacity, let alone fund, design and conduct research (Dong and Simon 2011). Enhanced research funding and implementation of elder financial exploitation policy arena is necessary to address this issue and provide direction as to how statutes can be amended to protect a growing population of elderly individuals affected by Alzheimer's and related-diseases.

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