



Preventing Elder Financial Abuse:

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



About Texas Appleseed & AARP

Texas Appleseed is a nonpartisan nonprofit focused on bringing about policies that are fair, just, and equitable for all Texans. Fueled by data, legal expertise, and a commitment to supporting vulnerable communities, its work has shaped hundreds of state and local policies and positively impacted millions of Texans. For more information, visit texasappleseed.org.

AARP, with its nearly 38 million members in all 50 states and the District of Columbia, Puerto Rico, and U.S. Virgin Islands, is a nonpartisan, nonprofit, nationwide organization that helps people turn their goals and dreams into real possibilities, strengthens communities, and fights for the issues that matter most to families, such as health care, employment and income security, retirement planning, affordable utilities, and protection from financial abuse. In Texas, AARP has 2.3 million members. To learn more, visit aarp.org/tx.

This Guide was adapted from the Consumer Financial Protection Bureau's (the "CFPB's") *Preventing Elder Financial Abuse: Guide for family and friends of people living in nursing homes and assisted living communities*. Texas Appleseed and AARP prepared this Guide to include information about Texas state law and resources. The CFPB has not reviewed or approved the content in this Guide, and the CFPB does not necessarily endorse the final product.

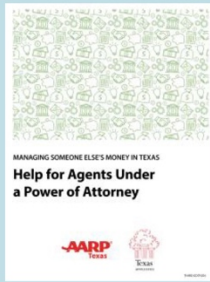
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You may want to read our other guides



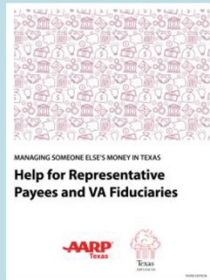
Help for Agents Under a Power of Attorney is a helpful resource for a person serving as an agent under a power of attorney.



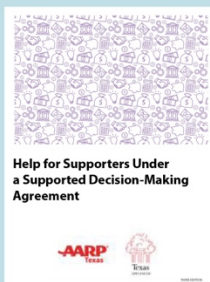
Help for Trustees Under a Revocable Trust is a helpful resource for a person serving as a Texas trustee.



Help for Court-Appointed Guardians of the Estate is a helpful resource for a person appointed by a court to serve as guardian for another person.



Help for Representative Payees and VA Fiduciaries is a helpful resource for someone who manages another person's federal benefits.



Help for Supporters Under a Supported Decision-Making Agreement can help answer questions a supporter may have about his or her role and responsibilities.

Why read this Guide?

This guide will walk you through four key steps to help protect your friends and family members from financial abuse. It is important to watch out for signs of financial abuse and take steps to help your loved one if needed.

Four key steps of successful intervention:

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



Alma's story

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

What is elder financial abuse?

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



Alma's story

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

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

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

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

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

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

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

Under Texas law:

- People who commit crimes against vulnerable members of society, including those aged 65 or older, may face enhanced penalties, including jail time, fines, and the loss of a license to work as a caretaker.
- Anyone that suspects elder abuse must report it to an appropriate agency, normally local law enforcement. Such reports may be made anonymously. Once an incident is reported, law enforcement must conduct an investigation and notify Adult Protective Services.
- Banks and credit unions have specific obligations to investigate and report suspected financial abuse that is identified by an employee. More detail about those obligations can be found at: <https://statutes.capitol.texas.gov/Docs/FI/htm/FI.281.htm>.

Texas also has specific civil statutes around elder abuse, which generally focus on abuse by persons in a position of trust, which usually means they have a close relationship, or they are professionals with a legal or financial duty to the elderly person. Some examples of people who might be “in a position of trust” include a family member, romantic partner, caregiver, lawyer, or financial planner. A summary of Texas elder abuse law can be found at: <https://www2.texasattorneygeneral.gov/seniors/elder-abuse>.

How might elder financial abuse happen?

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

People who have a legal duty to manage someone else’s money include agents under a power of attorney, trustees, guardians and conservators, Social Security representative payees and Veterans Affairs (VA) fiduciaries. To learn more about these roles, visit protecttheirmoneytx.org. In other cases,

the perpetrator may have no legal right to manage the older person's money. Someone may take the older person's property by pressuring them or lying to gain their trust.

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



Alma's story

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

You hear about the situation and you contact Texas Adult Protective Services (www.dfps.state.tx.us/adult_protection/) and the local long-term care ombudsman (hhs.texas.gov/news_info/ombudsman/). Law enforcement gets involved to investigate, stop the financial abuse, and charge Alma's niece with theft. Adult Protective Services also begins an investigation and stops Alma's eviction from the home while the investigation is ongoing. Alma and her family work together to choose a trustworthy person to help manage Alma's money, and Alma is able to pay her bills and stay in the nursing home.

What are some possible consequences?

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

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

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

Coerced Debt: Another type of financial abuse to watch for

All too often, older adults fall victim to coerced debt. Coerced debt is debt taken out in the name of the older adult either through fraud or coercion. Coerced debt is a form of financial abuse.

Coerced debt can happen when a person:

- Takes out credit cards or loans in the older adult's name without permission or forces an older adult to take out credit or loans that are not for the older adult's benefit.

- Uses the older adult's credit card or other accounts for personal expenses, without permission or through coercion.
- Puts bills in the older adult's name that the older adult does not benefit from, without permission or through coercion.

Tips to avoid coerced debt:

1. Place a security freeze, also called a credit freeze, with the three major credit bureaus; and
2. Check credit reports for fraudulent items and dispute those directly with the credit agency. Credit reports can be accessed for free at: <https://www.annualcreditreport.com/index.action>.

State and federal law have specific remedies to help victims of coerced debt. In Texas, a victim of coerced debt is considered an identity theft victim both in cases of outright fraud, where the victim had no knowledge of the debt, and of coercion, where the victim agreed to the debt because of fear of harm.

Victims can:

1. File a police report alleging ID theft and file an ID theft report with the Federal Trade Commission at <https://www.identitytheft.gov/>;
2. Obtain an order from a state district court declaring them a victim of identity theft for specific fraudulent or coerced debts. This order can be used to contest coerced debts with credit bureaus and with owners of the debt.
3. Report the coerced or fraudulent transactions to the financial or credit institution, in writing, as identity theft. Victims should also report the coerced debts as identity theft to the three main credit bureaus, in order to block them on the victim's credit report.
4. Submit a complaint of elder financial abuse to Adult Protective Services at: 1-800-252-5400 or www.txabusehotline.org.

Additional information and resources can be found at the Texas Coalition on Coerced Debt's Financial Abuse Toolkit at www.financialabusehelp.org.

Let's Review Some Vocabulary

Administrator	is a lead staff person at an assisted living community or nursing home who supervises team members and daily operations and maintains standards of care.
Adult Protective Services (APS)	are social services programs provided by states that serve older adults and adults with disabilities who need help because of abuse, neglect, or exploitation. The National Adult Protective Services Association website has information about how to report suspected abuse in each state: https://www.napsa-now.org/help-in-your-area .
Assisted living	refers to residential care communities that offer 24-hour care and help with activities of daily living, such as bathing, dressing, and eating. Assisted living is regulated by each state. Over two-thirds of states use the term "assisted living" or something similar. For this guide, we also include residential care homes, group homes, adult family homes, and board and care homes in the definition of assisted living.
Elder abuse	is often called "abuse, neglect and exploitation." It includes many types of mistreatment of older adults. This may include physical, emotional, psychological, or sexual abuse. It also includes neglect, self-neglect, and financial abuse.
Elder financial abuse	(also called elder financial exploitation) is when a person takes or misuses an older adult's money or assets for the benefit of someone other than the older adult. For example, neighbors, caregivers, professionals, and even family or friends may take money without permission, fail to repay money they owe, charge too much for services, or not do what the older adult paid them to do. Financial abuse is a form of elder abuse.
Financial caregivers	are people who manage money or property for a person who is unable to make their own financial decisions. For example, a financial caregiver could be an agent under a power of attorney, trustee, guardian or conservator, or Social Security representative payee or Veterans Affairs fiduciary. Learn more at http://protecttheirmoneytx.org/
Long-term care ombudsman	is an advocate for people living in nursing homes, assisted living communities, board and care homes, and similar adult care communities. Ombudsman staff and volunteers work to help people solve problems. Every state has an Office of the State Long-Term Care Ombudsman.

Mandated reporters	are people who are required by law to report any suspected elder abuse to a specific authority, such as Adult Protective Services or law enforcement.
Nursing home	means a long-term care community that is licensed by the state as a “nursing home,” “nursing facility,” “skilled nursing facility,” or “intermediate care facility,” or that provides similar levels of care. Most provide services covered by Medicaid and/or Medicare. Nursing homes generally offer a higher level of care than assisted living communities.
Perpetrator	means a person who is suspected of financially abusing an older adult.
Resident and Family Councils	are groups of family members who work together to help people living in nursing homes and assisted living communities and their families. Your loved one’s community may have a resident and family council. The council can share concerns with the administrator of the nursing home or assisted living community and request improvements.



How to Prevent Elder Financial Abuse

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

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

Use technology to stay connected and informed

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

While technology allows us to stay connected, scams against the elderly are growing in numbers and complexity. When using social media or live streaming applications, it is important to protect yourself. Check your privacy settings and make sure that any photos and information you and your loved one share stay private. See the AARP resource on scams here: <https://www.aarp.org/money/scams-fraud/>.

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

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

To learn what to do before sharing your financial information with a company or app, see CFPB's blog post "What to Consider When Sharing Your Financial Data" at [consumerfinance.gov](https://www.consumerfinance.gov) and the AARP guide

“Technology Tools to Help Guard Against Elder Financial Abuse at <https://www.aarp.org/home-family/personal-technology/info-2021/tools-to-avoid-elder-financial-abuse.html?intcmp=AE-FRDSC-MOR-R2-POS3>

Work with the assisted living community or nursing home

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

- Contact information for the staff person you should call if there is a problem.
- Policies and procedures for managing money from individuals or families:
 - This includes managing the Personal Needs Allowance (PNA) for individuals living in a nursing home and receiving Medicaid; and
 - Learn more about the PNA generally at: <https://www.medicaidplanningassistance.org/personal-needs-allowance/> and the Texas PNA at <https://www.hhs.texas.gov/handbooks/medicaid-elderly-people-disabilities-handbook/h-1500-personal-needs-allowance>.
- Policies about reporting and responding to theft and financial abuse:
 - Texas law requires individuals to report suspicions of elder abuse or neglect, including exploitation of the senior’s resources. If the victim is in a nursing home or assisted living facility, or is in his or her home and relies on a home health provider, call the Texas Health and Human Services Commission (<https://www.hhs.texas.gov/services/your-rights/complaint-incident-intake>) at 1-800-458-9858. If the victim is a resident of a long-term care facility that receives Medicaid funding, report the criminal abuse, neglect or exploitation to the Attorney General’s Medicaid Fraud Control Unit (<https://www.texasattorneygeneral.gov/divisions/law-enforcement/medicaid-fraud-control-unit>) at 1-800-252-8011. Abuse of a senior who is not in a healthcare facility can be reported to Adult Protective Services (https://www.dfps.state.tx.us/adult_protection/) at 1-800-252-5400.
- Policies about phone calls from salespeople, including the Do Not Call Registry: <https://www.donotcall.gov/>.
- How care team members help protect your loved one’s checkbooks, ATM cards, and federal benefit debit cards.
- How care team members help protect online accounts and other “virtual valuables,” such as financial documents saved on a computer or other device.

Federal and state programs that may affect your loved one, including:

- Texas Aging Programs: www.hhs.texas.gov
- Texas SNAP program: www.yourtexasbenefits.com
- Medicare and its limitations: medicare.gov/coverage
- Social Security: ssa.gov
- Medicaid: medicaid.gov/medicaid/eligibility/index.html
 - Texas Health and Human Services' resource entitled "Medicaid for the Elderly and People with Disabilities Handbook":
<https://www.hhs.texas.gov/handbooks/medicaid-elderly-people-disabilities-handbook>.

Build awareness to help others

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

Some ideas for possible training topics include:

- How to protect private documents and valuables, including virtual valuables: <https://www.consumerfinance.gov/about-us/blog/virtual-valuables-consider-your-digital-footprint-you-prepare-future>;
- Online safety, such as creating strong passwords: <https://www.consumerfinance.gov/about-us/blog/online-mobile-banking-tips-beginners/>;
- Federal and state laws about elder financial abuse. Texas specific laws can be found at www.justice.gov;
- How to avoid common scams: consumerfinance.gov/moneysmart; and
- Tips for caregivers on how to manage someone else's money: <http://protecttheirmoneytx.org/>.



How to Recognize Elder Financial Abuse

Warning signs

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



Alma's story

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

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

Things your loved one tells you or that you observe:

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

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

Things you see in your loved one's living space, if you can visit:

- Missing possessions, or possessions replaced with items of lesser value;
- Missing medications;

- Basics (such as toothpaste or undergarments) are missing, but your loved one's personal needs account is empty; or
- Blank withdrawal forms or checkbooks are left out in the open.

Problems with other family and friends:

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

Problems with paying bills or managing money:

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

Problems with a financial caregiver:

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

Checks, charges, and gifts:

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

Fraud and scams that target older people

Alma's story



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

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

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

Texas Appleseed and AARP Texas's "Managing Someone Else's Money in Texas" series of guides (protecttheirmoneytx.org) teaches older adults and caregivers how to recognize and avoid common scams. The Federal Trade Commission (FTC) has a page with information about current scams at consumer.ftc.gov/scam-alerts. AARP also regularly publishes resources related to scams targeting older people at <https://www.aarp.org/money/scams-fraud/>.

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

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

- Your loved one receives news about a lottery win or prize that requires them to pay fees or taxes before they get the money;
- A caller asks your loved one for their bank account information or asks them to make a payment using a gift card, wire transfer, or cryptocurrency;

- A caller makes a financial decision seem urgent by pressuring your loved one to either (a) act now or risk losing an opportunity or (b) act now before something bad happens;
- A caller claims to be from a government agency, bank, or other organization and asks for information that they should already have, such as a Social Security number or account number; or
- Your loved one receives a lot of mail or email about sweepstakes, contests, health supplements or products, or other scams, suggesting that he or she is being targeted by scammers.

The Texas Attorney General has publications to help prevent scams of seniors and the elderly at: <https://www.texasattorneygeneral.gov>. CFPB offers a variety of free resources to help prevent scams at consumerfinance.gov/olderamericans.

You may also find free resources through senior centers, long-term care ombudsman, or other state and federal agencies.

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

Speak with your loved one

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

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

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

If your loved one cannot make or communicate their own decisions, the Long-Term Care Ombudsman Program may be able to help. The long-term care ombudsman's job is to advocate for, and protect the rights of, people living in nursing homes and assisted living communities. Information about the Texas Long-Term Care Ombudsman Program can be found at https://apps.hhs.texas.gov/news_info/ombudsman/.



How to Record Elder Financial Abuse

Keep good records

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

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

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



How to Report Elder Financial Abuse

Alma's story



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

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

- If you believe a victim is in immediate danger, do not hesitate to call 911 or your local law enforcement agency, or APS.
- If the victim is in a nursing home or assisted living facility or relies on home health providers, contact the Texas Health and Human Services Commission at 1-800-458-9858.
- If the victim is a resident of a long-term care facility that receives Medicaid funding, report the criminal abuse, neglect or exploitation to the Attorney General's Medicaid Fraud Control Unit at 1-512-371-4700 or 1-800-252-8011 or by e-mail at mfcu@texasattorneygeneral.gov.

Adult Protective Services (APS)

Adult Protective Services (APS) are social services programs in each state. They serve older adults and adults with disabilities who need help because of abuse, neglect, or exploitation. Texas APS can be contacted at 1-800-252-5400, and their website is: www.dfps.state.tx.us/Adult_Protection/.

APS workers are often the first to respond in cases of abuse, neglect, or exploitation. APS workers look at two things before starting an investigation: (1) whether the older person is eligible for protective services, and (2) whether the information reported meets the legal definition of abuse, neglect, or exploitation in their state.

Eligibility for protective services: Under Texas law, certain groups of individuals are eligible for protective services, including children younger than 18 years of age, persons 65 years of age or older, and persons with disabilities, which means a person with a mental, physical, or intellectual or developmental disability that substantially impairs the person's ability to provide adequately for his or her care or protection.

Definition of mistreatment: APS also considers whether a report of abuse meets the state’s definition of financial abuse or financial exploitation. Financial abuse is “the wrongful taking, appropriation, obtaining, retention, or use of, or assisting in the wrongful taking, appropriation, obtaining, retention, or use of, money or other property of another person by any means, including by exerting undue influence. The term includes financial exploitation.”

Financial exploitation means “the wrongful taking, appropriation, obtaining, retention, or use of money or other property of another person by a person who has a relationship of confidence or trust with the other person. Financial exploitation may involve coercion, manipulation, threats, intimidation, misrepresentation, or the exerting of undue influence.” The term includes: (1) a breach of fiduciary relationship; (2) the unauthorized taking of personal assets; (3) the misappropriation, misuse, or unauthorized transfer of another’s money; and (4) the knowing or intentional failure to effectively use another’s income or assets for the necessities required for the person’s support and maintenance.

If APS starts an investigation, the process usually proceeds in a series of steps. First, APS decides whether the older person has experienced or is at risk of experiencing abuse. If APS finds there is abuse, APS decides what services are necessary to help the person and helps start the services. These services may include food, shelter or help finding housing, medical or mental health treatment, legal help, or financial help. Specific information about APS investigations in Texas can be found at <https://statutes.capitol.texas.gov/Docs/HR/htm/HR.48.htm>.

People who are eligible for APS services have the legal right to refuse help, provided APS believes the person can make their own decisions. This means an older person has a right to refuse help even when the APS investigator, family members, or others believe the older person needs the services.

Texas law requires anyone that suspects elder abuse to report it to the Texas Department of Family and Protective Services. The report may be made by phone at 1-800-252-5400 or online at <https://www.txabusehotline.org/>. Reports may be made anonymously.

The National Center on Elder Abuse has more information at: <https://ncea.acl.gov/>.

Law enforcement

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

Texas law makes elder financial abuse a specific crime. Financial abuse may also involve other crimes such as theft, fraud, forgery, embezzlement, and money laundering.

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

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

Below are some things that might be included in your report to Adult Protective Services or law enforcement. You should still file a report even if you do not have some of this information. You are not expected to have clear proof of abuse before reporting. Your job is simply to share your own

observations, which allows an investigator to step in and help.

Information to include in a report:

- Time, date, and location of any incidents;
- Names of anyone who was involved and anyone who observed the incident;
- Description of the suspected financial abuse and signs of any other type of abuse or neglect;
- Your loved one's disabilities or health conditions, if you know, including any information about problems with decision-making or memory loss; and
- Whether you believe there is an urgent risk of danger to your loved one or someone else.

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

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

Ask what the administrator can do to help.

Following up can make a difference. If you are not satisfied with Adult Protective Services or law enforcement's response to your report, you can ask whether providing more information would help with their investigation. You can ask to talk about the case with a supervisor. Take notes each time you speak with the agency, including the name of each person you talk to and the dates and times of your conversations. The National Adult Protective Services Association has more information about different steps that may happen after you report suspected abuse at <https://www.napsa-now.org/wp-content/uploads/2022/04/What-APS-Reporters-Need-to-Know.pdf>.

Long-term care ombudsman

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

You can find additional information about the Texas Long-Term Care Ombudsman office at https://apps.hhs.texas.gov/news_info/ombudsman/.

Other places to report financial abuse

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

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

file a complaint with that board against the assisted living community or nursing home.

If your loved one lives in a nursing home or an assisted living community, you can file a complaint with the Texas Health and Human Services Commission, which oversees Medicare-certified or Medicaid-certified nursing homes. Contact information for filing a complaint in Texas can be found here: www.hhs.texas.gov.

If you believe a staff member or care team member may be the perpetrator, you can also contact the state licensing board that licenses that person. This may be Texas Health and Human Services or another licensing board.

If the situation involved a scam, you can report it to the Texas Attorney General at <https://www.texasattorneygeneral.gov/consumer-protection/seniors-and-elderly> or the Federal Trade Commission (FTC) at reportfraud.ftc.gov. The FTC's website also has information about identifying and responding to scams, including scams that target older people at <https://reportfraud.ftc.gov/#/faq>.

If the scam used the U.S. mail service, report it to the United States Postal Inspection Service (USPIS) at 1-877-876-2455 or uspis.gov/report.

If you suspect that a Social Security representative payee is misusing your loved one's Social Security benefits, contact the local Social Security office. You can find contact information for your local office at ssa.gov/locator. You can also call the main Social Security Administration line at 1-800-772-1213 to file a report.

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

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

If the financial abuse involved a financial account, work with your loved one to contact their bank, credit union or other financial services provider and file a report. If you believe a staff member at the financial institution may be the perpetrator, you can find out which federal and state agencies regulate the financial institution and file a report with those agencies. After all other reporting, including to law enforcement and relevant federal and state agencies, it would be helpful to add your report to this AARP website, so that others can learn about scams and financial abuse happening in your area: <https://www.aarp.org/money/scams-fraud/tracking-map/?Intcmp=AE-FRDSC-ABT-MAP/>.

State civil laws

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

In Texas, the law requires people to report suspected elder abuse to the appropriate agency; in fact, failure to report is a criminal offense. Specifically, if a person has "cause to believe that an

elderly person . . . is in the state of abuse, neglect, or exploitation,” such person shall immediately report the violation to the Texas Department of Family and Protective Services. The report may be made by phone at 1-800-252-5400 or online at <https://www.txabusehotline.org/>. Reports may be made anonymously.

Once the Texas Department of Family and Protective Services receives a report of potential abuse, neglect, or exploitation, it will initiate a prompt and thorough investigation within 24 hours. Although the investigation of credible cases will extend beyond 24 hours, an elderly person may consent to protective services. If consent cannot be obtained, an Emergency Order for Protective Services may be issued. In the event of a court closure, the Department may remove or authorize the removal of an elderly person to safer surroundings, authorize medical treatment, or authorize or provide other available services necessary to remove conditions creating the threat to life or physical safety.

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

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

Federal laws

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

Concerns about retaliation after filing a report

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

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

Where to go for help

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

consumerfinance.gov/elderabuseresources.

Local and state agencies

Adult Protective Services

Texas Adult Protective Services receives and investigates reports of suspected adult or elder abuse, neglect, or exploitation. To make a report, call the 24-hour, toll-free hotline.

1-800-252-5400

dfps.state.tx.us/Contact_Us/report_abuse.asp

Texas Abuse Hotline: texaabusehotline.org/Login/Default.aspx

Area Agency on Aging / Aging and Disability Resource Center

The Texas Health and Human Services Commission administers and supports people who are aging and people with intellectual and physical disabilities. Staff can provide information about aging and disability services and whether there are any support groups for fiduciaries or caregivers.

1-512-424-6500

hhs.texas.gov/services/aging

Texas Attorney General

The Office of the Attorney General has a Consumer Protection Section. It operates the Texas Attorney General's Consumer Protection Hotline.

1-800-621-0508

texasattorneygeneral.gov/cpd/consumer-protection

Better Business Bureau

The Better Business Bureau ("BBB") can help consumers with complaints against businesses.

bbb.org/file-a-complaint

BBB of Abilene--13 Mid-West Texas Counties

1-325-691-1533

bbb.org/local-bbb/bbb-of-abilene

Better Business Bureau Serving the Concho Valley, San Angelo
1-325-691-1533
bbb.org/local-bbb/better-business-bureau-serving-the-conchovalley

BBB serving North Central Texas, Dallas, Lubbock, & Wichita Falls
1-214-220-2000
bbb.org/local-bbb/bbb-serving-north-central-texas

Better Business Bureau in Southeast Texas
1-409-835-5348
bbb.org/local-bbb/southeasttexas

BBB serving the Heart of Texas, Austin, Bryan, Corpus Christi, Fort Worth, Midland, San Antonio, and Waco
1-844-477-1099
bbb.org/local-bbb/bbb-serving-the-heart-of-texas

BBB of Greater Houston and South Texas, Austin, Brazoria, Brooks, Cameron, Colorado, Fort Bend, Galveston, Harris, Hidalgo, Jim Hogg, Kenedy, Matagorda, Montgomery, Starr, Waller, Wharton, Willacy, and Zapata Counties 1-713-868-9500
bbb.org/local-bbb/bbb-of-greater-houston-and-south-texas

BBB Serving Northeast and Central Louisiana and the Ark-La-Texas (including Bowie and Cass County, Texas)
1-318-797-1330
bbb.org/local-bbb/bbb-serving-northeast-and-central-louisianaand-the-ark-la-tex

BBB El Paso
1-915-577-0191
bbb.org/local-bbb/bbb-of-el-paso

BBB serving Central East Texas, Anderson, Camp, Cherokee, Franklin, Gregg, Harrison, Henderson, Marion, Morris, Panola, Rains, Red River, Rusk, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties
1-903-581-5704
bbb.org/local-bbb/bbb-serving-central-east-texas

BBB of Amarillo, Texas Panhandle
1-806-379-6222
bbb.org/local-bbb/bbb-of-amarillo

Texas Veterans Commission

The Texas Veterans Commission is a state-appointed advocate for Texas veterans. The Commission assists veterans to secure benefits rightfully earned in exchange for service in the armed forces.

1-800-252-8387

tvc.texas.gov

info@tvc.texas.gov

Texas Veterans Portal

The Texas Veterans Portal is a resource that compiles helpful information from many government agencies to help veterans, their families, and their survivors find the assistance, services, and benefits they need.

1-800-2273-8255 or 2-1-1 (option 1)

veterans.portal.texas.gov

Local Resources

Eldercare Locator is a public service of the U.S. Administration on Aging that connects older Americans and their caregivers with information on senior services.

1-800-677-1116

eldercare.acl.gov

Long-Term Care Ombudsman Program

Contact the Office of the State Long-Term Care Ombudsman to find state and local long-term care advocates. Ombudsmen identify, investigate, and resolve complaints about long-term care.

1-800-252-2412

apps.hhs.texas.gov/news_info/ombudsman

Texas Association of Mediators

Find a listing of local mediators in Texas. Mediation can help resolve disputes and may sometimes be an alternative to legal action.

txmediator.org

(click on "Member Locator" then "View All Members for list of Texas mediators)

Medicaid/medical assistance

Texas Medicaid Information

hhs.texas.gov/services/health/medicaid-chip/medicaid-chip-program-services

Texas Health and Human Services Commission

yourtexasbenefits.com/Learn/Home

Texas Health Options

This state resource can help you understand how to find and use health insurance.

1-800-252-3439

texashealthoptions.com

ConsumerProtection@tdi.texas.gov

Medicaid Fraud Control Unit of Texas

The Medicaid Fraud Control Unit, in the Office of the Attorney General, investigates and prosecutes abuse and fraud by health care providers.

1-800-252-8011 (Main agency)

myfcu@oag.texas.gov

Austin Field Office

1-512-371-4700

Corpus Christi Field Office

1-361-851-8440

Dallas Field Office

1-817-385-2200

El Paso Field Office

1-915-881-2100

Houston Field Office

1-713-225-0691

Lubbock Field Office

1-806-765-6367, ext. 101

Pharr Field Office
1-956-683-7095

San Antonio Field Office
1-210-653-9001

Tyler Field Office
1-903-593-4644

Police or sheriff

Find a law enforcement agency by checking your local directory.

Texas Victim Resource Directory The Texas Victim Resource Directory is a compilation of non-profit and governmental agencies that provide services to crime victims free of charge in Texas.
<https://ivss.tdcj.texas.gov/resource-search/>

Sheriffs' Association of Texas Find the local sheriff's office.
txsheriffs.org/28exas-sheriffs-list

Federal agencies

Numerous federal agencies play a role in combatting fraud and abuse and educating consumers. Contact them for more information.

Consumer Financial Protection Bureau 1-855-411-CFPB
consumerfinance.gov

Do Not Call Registry 1-888-382-1222
donotcall.gov

Federal Bureau of Investigation fbi.gov/scams-safety

**Federal Trade
Commission** *1-877-FTC-HELP (382-4357)*
consumer.ftc.gov

**Postal Inspection
Service** *1-877-876-2455*
postalinspectors.uspis.gov

**Social Security
Administration** *1-800-772-1213*
socialsecurity.gov/payee

**Department of
Veterans Affairs** *1-888-407-0144*
benefits.va.gov/fiduciary

Legal help

Eldercare Locator Find local programs that provide free legal help to people over age 60 by contacting the national Eldercare Locator.
1-800-677-1116
eldercare.acl.gov

**Legal Services
Corporation** Find local programs that provide free legal help to low-income people on the website of the Legal Services Corporation.
lsc.gov/find-legal-aid

State Bar of Texas Find free legal clinics and other resources for veterans and their families who otherwise cannot afford or do not have access to the legal services they need on the website of the State Bar of Texas.
texasbar.com/content/navigationmenu/aboutus/statebarpresident/texaslawyersfortexasveterans/resources_for_vetera.htm

Texas Legal Services Center

Any person in Texas who is 60 years of age or older can call the Legal Hotline for Texans for free legal information. The Legal Hotline for Texans has a wide range of brochures on many different legal topics. The Legal Hotline for Texans also serves persons who are eligible for Medicare, regardless of age or income. Services can be applied for online or over the phone.

1-800-622-2520

tlsc.org

Legal Aid of Northwest Texas

This program serves counties from the Panhandle and the High Plains through the Dallas–Fort Worth Metroplex. It has offices in Amarillo, Plainview, Lubbock, Midland, Odessa, Abilene, Brownwood, San Angelo, Wichita Falls, Denton, Weatherford, Fort Worth, Dallas, Waxahachie, and McKinney.

lanwt.org

Lone Star Legal Aid

This program serves Texas counties from the Louisiana and Arkansas border westward to some counties along I-35. It has offices in Texarkana, Tyler, Paris, Longview, Nacogdoches, Beaumont, Conroe, Houston, Galveston, Angleton, Bryan, Belton, and Waco.

lonestarlegal.org

Pro Bono Program Listings in Texas

probono.net/oppsguide/search?state=TX

Houston Volunteer Lawyers

Providing free legal aid to low-income individuals by connecting them with lawyers in the private bar who volunteer their time.

1-713-228-0735

makejusticehappen.org

Texas RioGrande Legal Aid

Providing free legal services to low-income residents in 68 counties of Southwest Texas.

trla.org

Lawyer Referral Service (LRS) of Central Texas

Reduced fee program for family law matters, uncontested guardianship cases, and drafting simple wills.

austinlrs.com

**Dallas Volunteer
Attorney Program**

Providing telephone referral of low-income individuals to volunteer attorneys who provide free legal services. Applicants must be Dallas County residents.

1-214-243-2236

dallasvolunteerattorneyprogram.org

**Texas Rio Grande Legal
Aid (El Paso, South &
West Texas)**

Providing free legal services to indigent residents of South and West Texas and to migrant and seasonal farm workers throughout Texas.

1-915-585-5100

**Community Justice
Program (San Antonio)**

Providing free neighborhood-based legal services to individuals who may not otherwise have access to the legal system.

sanantoniobar.org/about-cjp/

Fee-for-service lawyers

This is an American Bar Association-sponsored website that provides information about how to find a lawyer in each state. It also has information about legal resources, how to check whether a lawyer is licensed, and what to do if you have problems with a lawyer.

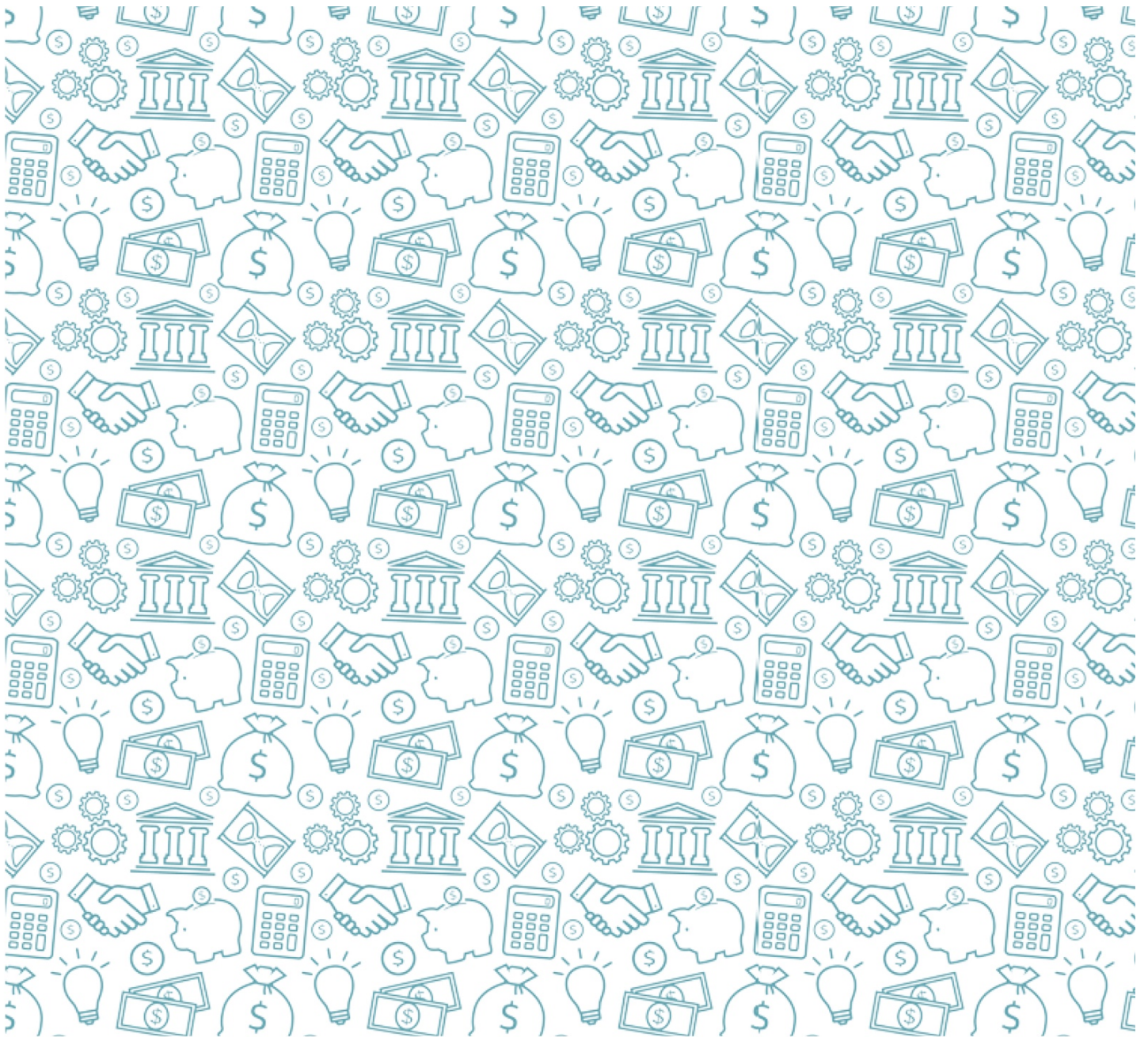
findlegalhelp.org

Accounting help

American Institute of CPAs

Find a local certified public accountant.

us.aicpa.org/forthepublic/findacpa.html



Find this and the rest of the reports in the series at protecttheirmoneytx.org

**For more information on the work of AARP in Texas, visit aarp.org/tx
To learn more about Texas Appleseed, go to texasappleseed.org**