



San Mateo County Aging and Adult Services:
***Collaborative Approach to Identifying, Addressing, and Preventing
Financial Elder Abuse***
NAPSA Conference: August 21, 2019

Older Adults are Living Longer...

The National Center on Elder Abuse estimates that currently 40.1 million Americans are over the age of 65, **comprising 13% of the population.**

As the Baby Boomer generation ages, the proportion of older adults will continue to increase.

San Mateo County is Aging Faster Than the Rest of California...

- 65+ population was at 14%, compared to the rest of California, which was only at 11%
- 85+ population grew 51% faster than California as a whole from 2000 to 2010
- Retirement-aged population grew 50% faster than the rest of California between 2000 and 2010

Source: 2010 Census Data

Older Adults in San Mateo County

By the year 2030 in San Mateo County...

- **1 out of 4 residents will be over 65;**
- **The number of adults over 65 will increase by 72%;**
- **The number of people over 85 will increase to 2.5 times the current number.**

Source: San Mateo County Manager's Office

What is EDAPT?

The Elder and Dependent Adult Protection (Team) - is a specialized subset program of Adult Protective Services launched in Fiscal Year(FY) 15-16. EDAPT serves all of San Mateo County (North, South, Central, and Coastal).

Funding Sources: Measure K voter-approved half-cent sales tax, Federal County Expense Claim (CEC), County General Funds and APS Realignment Funds.



EDAPT started with our Civil Grand Jury

- Volunteers who investigate local agencies and officials under the auspices of the Superior Court
- Fact finding → written report
- Local entities to which a report is directed must answer the findings and recommendations within 60-90 days



EDAPT started with our Civil Grand Jury

- 2013-14: County needs to strengthen its programs and services to protect elders and dependent adults from financial abuse

CGJ identified the most significant challenges:

- (1) Identifying instances of elder financial abuse
- (2) Improving collaboration between established agencies and professionals



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Goals and Objectives

EDAPT is a multidisciplinary team dedicated to three objectives:

- Streamlining the investigation of elder and dependent adult financial abuse cases
- Coordinating supportive services to victims
- Raising awareness through targeted outreach to the community/training for potential responders



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EDAPT's Composition

- District Attorney's Office: 2 Deputy DAs and 2 DA Inspectors (LE)
- Aging and Adult Services: 2 Social Workers, 2 Deputy Public Guardians, and 1 Community Program Specialist
- County Counsel: 2 Deputy County Counsels (DCCs)



Your state law may provide for information sharing

CA WIC 15633 and 15633.5:

- Reports of suspected elder/DA abuse are confidential, however, *members of the MDT* may disclose to one another information and records that are relevant to the prevention, identification, or treatment of abuse of elderly or dependent persons.
- Information relevant to elder or dependent adult abuse may be given to APS, local LE, DAO, PG's Office, Probate Court...



Types of Cases Assigned to EDAPT vs. APS

EDAPT Receives:

- All SOC 342s (from banking institutions);
- Any reports regarding “scams” and the loss or potential loss of real estate;

Cases that cannot be routed to EDAPT are assigned to select APS staff with experience conducting financial abuse investigations.

Case Assignment: EDAPT Deputy Public Guardians (DPGs) vs. EDAPT Social Workers

EDAPT Social Workers Receives:

- “Scams” and cases of fraudulent service providers (contractors, etc.)
- Cases that on the face do not have “complex” financial abuse matters, but require limited and focused case management to resolve financial matters.

If during the investigation complex financial abuse factors are revealed, EDAPT SW will seek consultation from EDAPT DPG.

Case Assignment: EDAPT Deputy Public Guardians (DPGs) vs. EDAPT Social Workers

EDAPT Deputy Public Guardians (DPGs) Receives:

- Cases that have aspects of undue influence
- High level/complex financial abuse cases

What is a “Complex Case?”

Cases that involve the following:

- Multiple pieces of real property out of the county/state
- Undue influence in effect
- Cases in which multiple abuse factors require a multidisciplinary approach for intervention

What is a “Complex Case?”

- Large amount of assets (real estate/personal)
- Older/dependent adults at risk for financial exploitation or are currently being exploited
- Multiple suspected abusers
- Abusers residing in the same household as the victim

EDAPT Work Responsibilities

All EDAPT DPGs and SWs are required to:

- Complete biopsychosocial assessments to determine risk and safety factors.
- Create service plans, when required.
- Create a forensic inventory spreadsheet of a client's assets during a financial abuse investigation.
- Request a neuropsychological evaluation when there is a question of cognitive capacity for a client.

EDAPT Work Responsibilities

- Attend the quarterly MDT and use the meeting as a forum to discuss challenging cases and seek advice and guidance from EDAPT members.
- Attend financial abuse trainings online and in person.
- Document action/intervention steps taken during an investigation, if service plan is not created.
- Provide connections to community resources to mitigate effects of the abuse

EDAPT Work Responsibilities

- Partner with Public Guardian and County Counsel on matters related to conservatorship
- Utilize Certificates of Authority – 2901/2952 to freeze assets
- Partner with law enforcement during initial home visits, as needed
- Provide crisis intervention

Modes of Communication

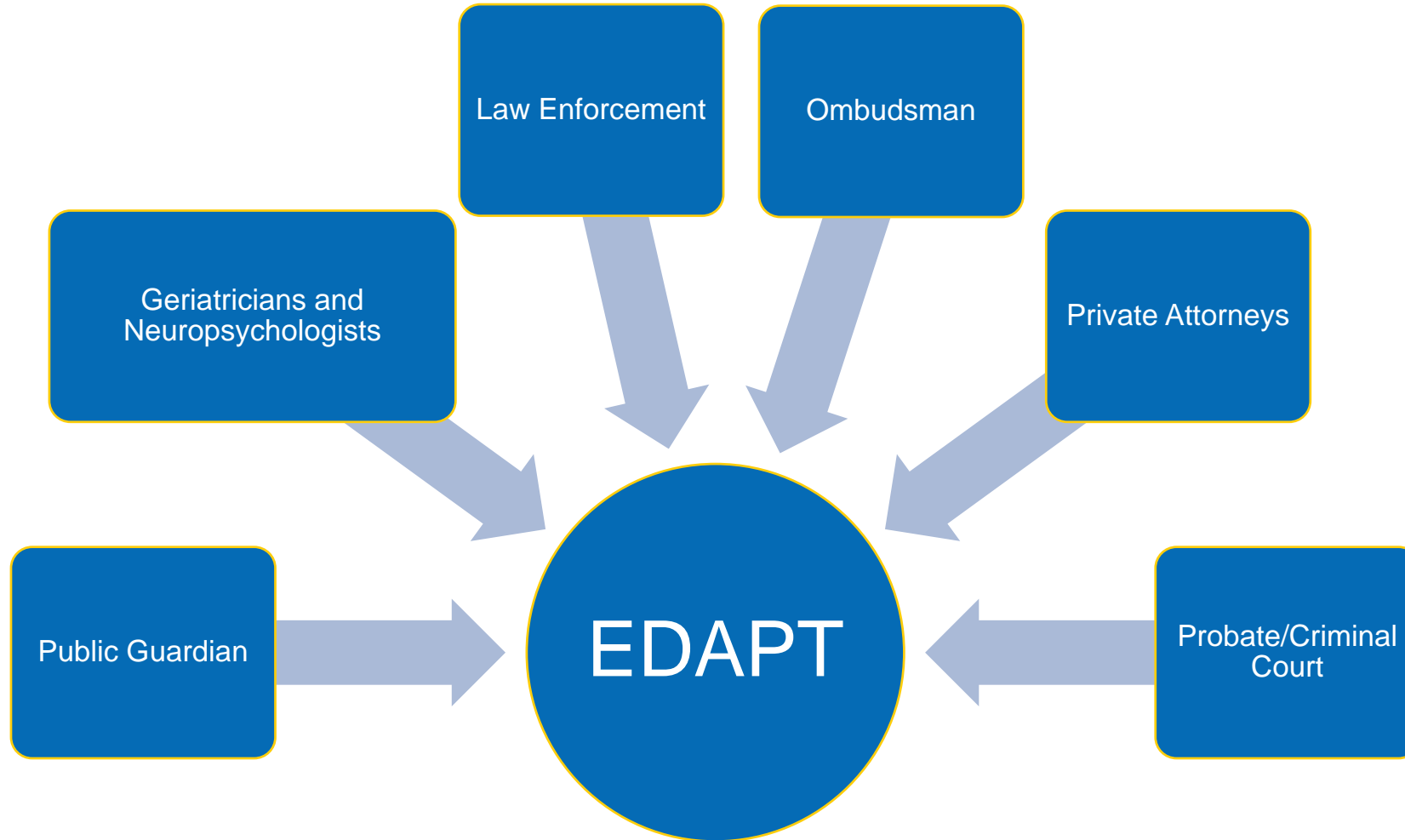
Formal

- Multi-Disciplinary Team meetings (MDTs)
- Centralized Intake staff meetings
- EDAPT-focused huddles
- Cross trainings
- Case partnerships

Informal

- Interdepartmental consultations
- Cross-reporting

Our Partners



Learn about additional resources

- Court Probate Investigators
- Legal Aid
- Hospital social workers
- Contractors' State License Board
- Real Estate Fraud investigators

Common Program Questions?

Outreach & Training

- “Sit Down, Be Humble” Rule
 - Importance of cultural competency and humility
- “Hand on the Elephant” Rule
 - Don’t reinvent the wheel
- “Vegetables in the Dessert” Rule
 - Get people in seats by any means necessary

... And take your show on the road!

Case Studies: Henrietta



4/2 – 911 call to PD. Henrietta refusing to eat/get out of bed/take her medications. “I take care of her, but she hasn’t been eating.”

SMPD, Fire, Medics respond immediately:

- House full of garbage
- Strong odor of urine permeating house
- Henrietta in bed; skinny and unbathed
- Henrietta largely nonresponsive but said she did not want to go on. Couldn’t remember last time she had eaten or bathed
- When the medic lifted her onto the gurney, she was drenched in urine and the bed was soaked

Case Studies: Henrietta (77)



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Henrietta (77)

Paramedic's observations:

Henrietta had probably been nonambulatory for about a week and she was covered in urine and feces. House infested with rats. No edible food and whatever was there was moldy or spoiled. She had uric acid burns to the back. Henrietta had stopped taking her meds 3-4 months prior, stopped eating 2 weeks prior.





Henrietta (77)

Many questions need to be answered:

1. Who, if anyone, was supposed to be taking care of Henrietta?
2. What immediate and ongoing medical treatment and level of care does she need?
3. What is the state of Henrietta's finances?
4. If Henrietta cannot make decisions, who will do that for her?
5. Has someone committed a crime?



Henrietta (77)

Medical

5 feet and 82 pounds (Hemoglobin 5.6)
Needed ICU for hydration/UTI treatment
stage 3 pressure ulcer at the coccyx

Major cognitive impairments →
Alzheimer's diagnosis

Future care

Social worker at SMMC refers the case
for probate conservatorship: Henrietta
is dependent for all ADLs and IADLs →
assisted living

Financial

PG obtained bank statements → in
three months, accounts had been
drained (42 checks written to Defendant
for \$12,000); Bank accounts in the red.
. . then Henrietta's car transferred to
____?

How did this happen?

911 call: placed from Defendant's
number; Defendant says, "***I take care
of her, but she hasn't been eating.***"
Said Henrietta didn't want to eat or take
her meds and she is not feeling well.



Henrietta (77)

Financial: PG and PD worked together

- January-April 2: 42 checks for \$12,000 → Defendant
- Car (\$3,000) → Defendant
- Credit card purchases
 - Overstock = \$3,522.60
 - Best Buy = \$7,098
 - Amazon = \$1,411.42
 - Defendant said . . . ?



Henrietta (77)

Credit card purchases

- Overstock = \$3,522.60
 - leather queen bed, mattress, and 8-piece bedding set
 - pet fountain
 - stand mixer
- Best Buy = \$7,098
 - Samsung 60" tv and audio surround speaker
 - Canon DSLR camera
 - MacBook Pro and iPad
- Amazon = \$1,411.42
 - Bose Digital Home Theater Speaker system
 - Margaritaville Frozen Drink Maker





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Henrietta (77 years old)

Henrietta's next-door neighbor, Mark, became her conservator

Henrietta → Assisted living

Defendant → County Jail





Case Studies: Donald (80)



Donald lived alone in a house he inherited from his parents. He may have been on the autism spectrum (undiagnosed) and had not worked. In April he was hospitalized with lymphoma.

Donald too sick to return home; hospital introduced Defendant, who worked for a senior care agency that specialized in board and care placements.

Defendant comes to Donald's hospital room; Donald to go to SNF and then to B&C



Donald (80)

End of May: hospital SW recommends that Donald hire a private professional fiduciary. PPF goes to bank to file POA documents and is told **Defendant already has a POA on file**. Donald reports that he had no knowledge or intention to give Defendant POA → police

End of June: hospital SW discovers Donald's house has been "sold" to an LLC that Defendant owns → report to APS



Donald (80)

Questions:

- Did Donald intend to sell his house or give Defendant POA?
- Did Donald have the cognitive capacity for these transactions?
- Did Donald receive a fair market value for the house?
- What does Defendant have to say about this?



Donald (80)

EDAPT responds:

- DDA and police prepare search warrants for Defendant's home and office and review the documents seized
- DPG reviewed the bank records
- DDA and APS set up a neuropsychological exam for Donald
- Detective interviews Defendant
- Donald had a reverse mortgage on his home → DAI told us which documents we needed to subpoena/search warrant



Donald (80)

What did we find?

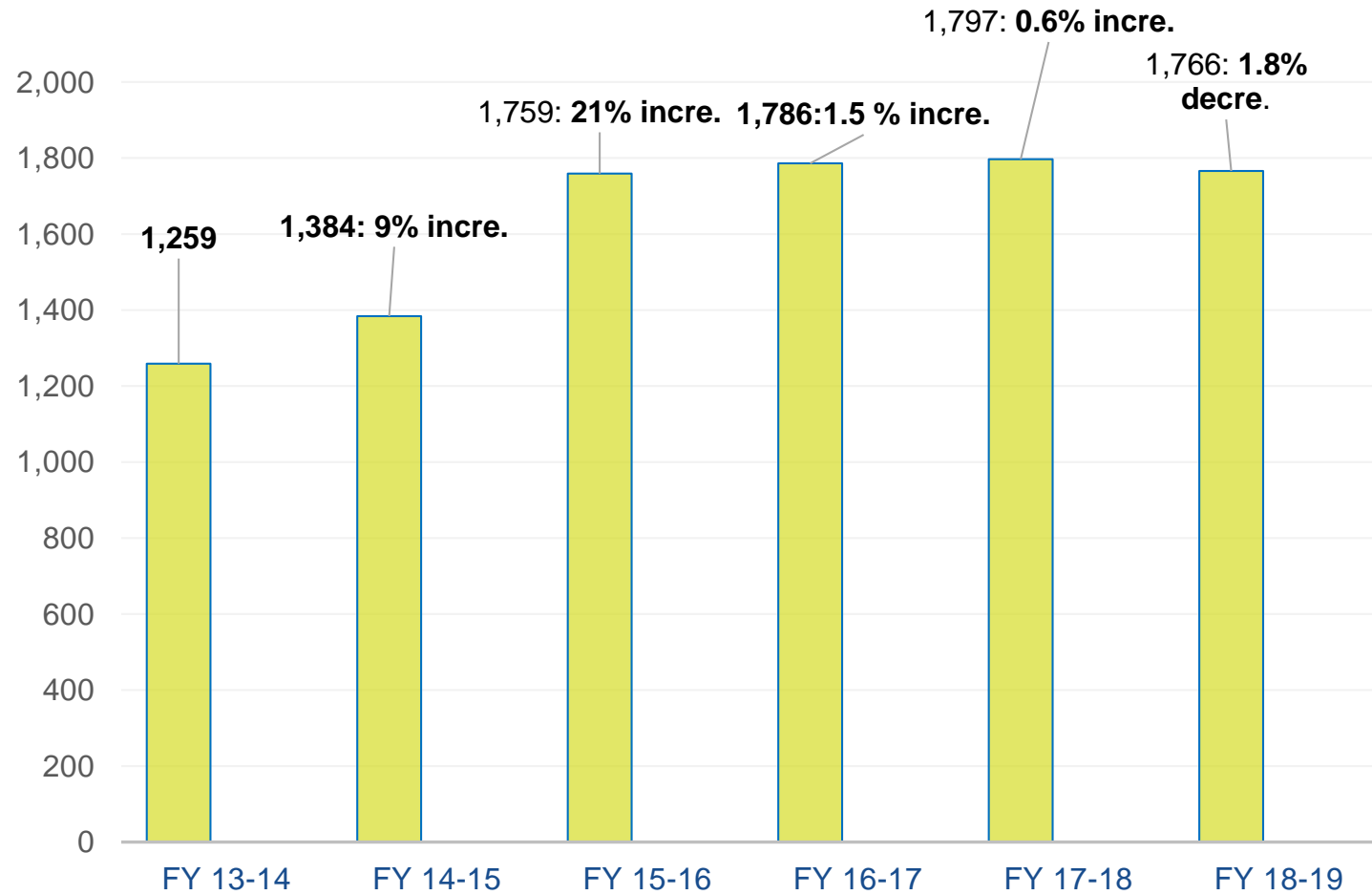


Donald (80)

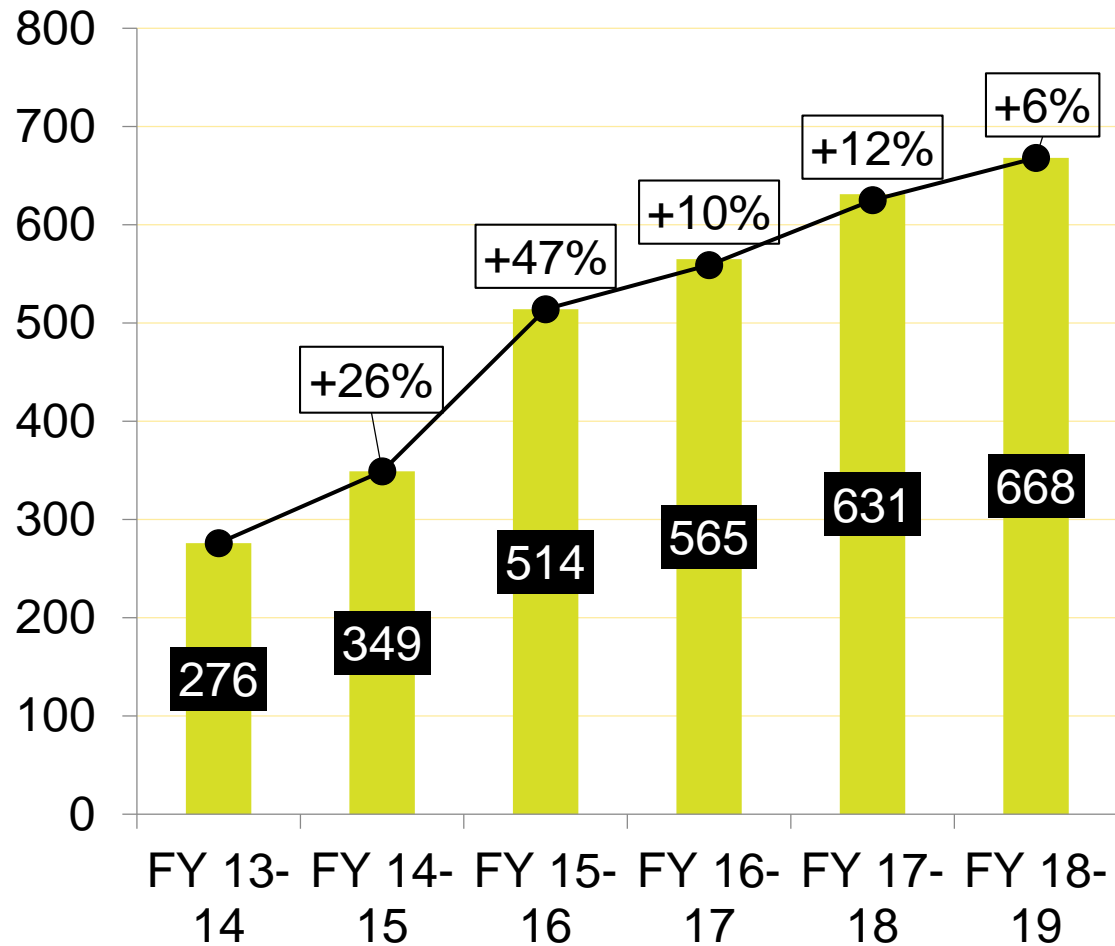
EDAPT responds:

- Donald died just weeks before the jury trial but Defendant had signed a rescission deed after his arrest
- Defendant was convicted of felony elder abuse and was sentenced to prison

Abuse Reports Pre- vs. Post-EDAPT



Financial Investigations Pre- vs. Post-EDAPT



Program Highlights

- 2019 Recipient of the Department of Justice's Office of Victims of Crime (OVC) Financial Crime Restoration Award
- Over 400 case consultations with the DA's Elder Abuse Unit
- Approximately \$3 million ordered in restitution for financial abuse victims through criminal court
- 425 financial elder abuse trainings/outreach events conducted
- EDAPT Investigators assigned over 80% of all financial abuse cases

Woman sentenced for stealing from grandmother

Daily Journal staff report

Apr 27, 2018 Updated 7 hrs ago

A Petaluma woman who pleaded no contest to felony elder abuse in March for taking an estimated \$347,000 from her 84-year-old grandmother over the course of almost three years received a three-year prison sentence Thursday, according to the San Mateo County District Attorney's Office.

Kristen Capella, 38, will serve one year in San Mateo County Jail and two years of mandatory supervision with no credit for time served due to the state's recent realignment of prisoners. In addition to her jail time, Capella will not be allowed to be in a position of trust or take care of adults, according to prosecutors.

Capella lived with her grandmother in San Bruno when she started electronically transferring thousands of dollars each month from her grandmother's bank account to her own in April of 2014, according to prosecutors.

Capella's grandmother had allegedly never given her permission to transfer the funds, never set up online banking and did not have a computer. A banking institution reported the suspicious transfers, which were determined to have continued until January of 2017, according to prosecutors.

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Capella was remanded into custody Thursday to begin her jail sentence and will next appear in court May 30 for receipt of restitution reports, according to prosecutors.

Her defense attorney Mike Armstrong could not immediately be reached for comment.

Questions?



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See, Stop, Prevent

Dependent & Older Adult Abuse

1-800-675-8437

It's everyone's business

www.smchealth.org/ElderAbuse



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