



April 20 Criminal Panel

Scenario #1: Financial Exploitation by a Befriending Young Woman

Mr. McKinney is a 72-year-old male. He lost his wife 2 years ago and has been lonely, although he has three children, one of whom, Karen, lives nearby and visits frequently. They have a congenial albeit superficial relationship. About 6 months ago, Mr. McKinney ran into a 28-year-old woman, Staci, with her daughter, at church. Mr. McKinney began to see Staci socially more and more frequently. Staci moved into Mr. McKinney's home 2 months after they met. He was pleased for the company. He was happy to provide for Staci and her daughter, Miranda. He loved them both.

A few months ago Karen stopped by to bring her dad his favorite milkshake. She noticed that it looked like someone else was living in the home. Karen asked her dad about it, and he replied matter-of-factly that Staci and Miranda were living with him. Karen told her siblings about the new living arrangement. They were not pleased, but decided it was his life.

About a month later Karen stopped by the house and she happened to see Mr. McKinney's credit card statement on the table. There were numerous large charges at women's clothing stores, jewelry stores and toy stores. It looked like his credit card was maxed out, causing Karen great concern, but she didn't say anything to her dad.

Karen stopped by again about a month later. Her dad's next door neighbor was doing some yardwork and waved Karen over. The neighbor told Karen that her dad had stopped having lunch with him – they had been neighbors for the past decade and almost every Friday they would have lunch together, but now Mr. McKinney refused his invitations and barely spoke to him. The neighbor asked Karen if there was anything he should know about. He was worried about Mr. McKinney.

Karen talked to her siblings and they decided they had to find out what was going on. One time when Karen stopped by to see her dad, Staci was out shopping with her daughter and Karen decided to confront her father. In talking with her dad, looking through his financial papers, and visiting the bank with her father, Mr. McKinney reluctantly divulged that over the past 6 months, in addition to credit card debt, Mr. McKinney was currently arrears on his property taxes and he had taken out an \$80,000 mortgage on his home that he owned outright. Although Mr. McKinney shared all of this financial information with Karen, he was defensive, reiterating that he loved Staci, and she could have everything he owned as far as he was concerned!

In discussing all of this with her siblings, the family didn't know what to do and decided that Karen should contact APS.



Scenario #2: Caregiver Neglect of a Mother by her Adult Child

Mrs. Peach is an 87-year-old widow who lives with her son, Bruce, in a single-wide manufactured home on land owned by a distant relative. The distant relative allowed Mrs. Peach and her son to situate their home on the property in a rural area 11 years ago when Mr. Peach passed away. Due to a stroke 5 years ago, Mrs. Peach's left side is paralyzed. She needs considerable assistance with most of her ADLs and IADLs.

Bruce had a difficult time in school and dropped out of school in the 10th grade. He tried to live on his own occasionally, but always returned home, in part because he is incapable of holding a job. He seems to have some mental health issues and uses drugs frequently, although it's unclear whether Bruce is a person addicted to drugs. The three older children are independent and live outside of the state in which Mrs. Peach resides. The three older children rarely visit their mother, although they send her gifts, and are estranged from their younger brother who they claim is their mother's favorite. The other children perceive Mrs. Peach as a domineering and demanding mother and Bruce as too differential to his mother. Bruce has been the sole caretaker of his mother for the past 5 years.

A couple years ago, a neighbor who lives about 2 miles away, thought Mrs. Peach looked to be in poor condition. The neighbor wasn't exactly sure what was wrong – she doesn't know Mrs. Peach well - but decided to call APS because she was concerned about whether Bruce could care for his mother given her stroke. APS visited Mrs. Peach. Mrs. Peach said she was ok, that her son Bruce took care of all of her needs, and she didn't need APS looking in on her. APS closed the case.

Last month, Mrs. Peach's oldest child, Robert, paid his mother a visit when he was in a nearby city for a conference. He was shocked to find the condition of his mother and the home where she and Bruce lived. Mrs. Peach was lying in bed in adult undergarments that were saturated, overflowing, and stuck to her body. The smell in the room was putrid. She didn't recognize her son, Robert. It was later learned Mrs. Peach had stage 2 pressure ulcers. The home itself was in disrepair. There was no electricity or running water. The floor had a huge hole in it that was covered by a piece of plywood. There was a little bit of food in the home. They did have a car so Bruce could drive to town and purchase goods. When Robert asked his brother about his mother's condition, Bruce said his mom wanted this. Bruce had asked his mom if she wanted some help, but she said she didn't. She didn't want to go to a doctor. She was afraid someone would take her away. Bruce claimed adamantly he was respecting his mother's wishes, adding "She's my mom. I'm the one taking care of her."

Robert left the home and immediately called 911 as soon as he reached an area with cellular service. EMTs arrived and took Mrs. Peach to the hospital and the hospital reported the incident to APS.



April 21 Civil Panel

Scenario #1: Guardianship of Mr. G

Mr. G is 76 years old and resides in a nursing home in a Midwestern city. He has never been married or had children, and his closest relatives are two nephews who live on the East Coast with whom he has had little contact since Mr. G hadn't gotten along with their mother. He has had numerous physical health issues, including a stroke and diabetes which resulted in the amputation of one of his legs. He was transferred to the skilled nursing facility from the hospital a few years ago as a private pay resident.

Mr. G fell behind on his nursing home payments because he was confused about his bill and didn't think he owed as much as the nursing home said he owed. The nursing home social worker filed a petition for guardianship. She asked the nursing home's attending physician to affirm that Mr. G lacked capacity to handle his personal and financial decisions. The physician had met Mr. G briefly a couple of times but had never conducted any cognitive screening or neuropsychological tests. The physician provided a two-sentence letter filed with the court, stating that Mr. G was post-stroke, confused at times and lacked capacity to make financial and health decisions. Mr. G never received timely notice of the court hearing which was held without his participation.

A guardian from a small for-profit guardianship agency was appointed and she proceeded to cash in Mr. G's interest earning annuities which he had intended to use to pay for home care. Mr. G wrote a letter to the court stating that he didn't want a guardian and wanted to return home but he heard nothing from the court. The guardian sold his car and house, and refused to let him visit his home to collect his personal belongings prior to the closing. She rarely visited Mr. G and never participated in care planning meetings. The long-term care ombudsman who visits the facility stopped by to see Mr. G one day. He told her that he didn't want to be in the nursing home and didn't want a guardian. The ombudsman referred him to the local legal services program for older adults. With Mr. G's consent, she also contacted APS to describe the guardian's actions and raised questions about what happened to the proceeds from the sale of the house.



Scenario #2: Contest over Mrs. A's Will

Mrs. A inherited ten million dollars from her deceased husband. She was active on non-profit boards and contributed generously to these organizations. Her estate plan was consistent for about 40 years. The money in a trust set up for her by her husband would go to charity per her instructions. Of her remaining property, several million would go to her only son, Mr. M, and a significant chunk would go into a trust that would provide a stream of income to her son but eventually would go to charity. She appointed her son and her longtime attorney from a prominent law firm as co-executors of her will.

In her late 90s, Mrs. A was diagnosed with Alzheimer's disease. She also had declining physical health, eyesight and hearing. She often did not recognize friends and family members, and sometimes asked her home health aide to identify documents for her after she had signed them.

About four or five years after her Alzheimer's diagnosis, Mrs. A's son, his wife, and Mr. F, a lawyer who had befriended Mrs. A, began meeting to discuss making changes to her will. Her longtime estate lawyer received a letter signed by Mrs. A saying he'd been replaced, and the family refused to let him see Mrs. A. Mr. F asked a new lawyer to draft changes to her will. These changes meant that Mrs. A's son would inherit a lot more money outright, would be able to direct property to his wife, and would become the sole executor. The new lawyer, who'd never met Mrs. A but had been dealing with her son, came to see Mrs. A just once for a half hour to explain the document and have her sign it. In addition, Mrs. A's aide was concerned that some of her jewelry and art had disappeared.

Mrs. A's alarmed grandson suspected that his father and his father's current wife were taking advantage of Mrs. A. He is reluctant to contact APS because he doesn't think they would get involved in a case involving this much private wealth. Mrs. A died soon after his suspicions were raised. When his father began probate proceedings, Mrs. A's grandson challenged the will.



Scenario #2: Financial Recovery after Theft of Money and Property

Mrs. W, an American of Japanese ancestry, spent two years during World War II in an internment camp in Arizona. After the war, she earned a bachelor's degree in Chicago and moved to Washington, DC, where she worked for three decades for the US Department of Health and Human Services. She saved a lot of her money and moved back to Chicago when she retired. She has no living family. After a fall and declining health, Mrs. W moved to an assisted living facility. While living there she developed dementia. Over time, employees of the facility, including the business manager, activities director, receptionist and hairdresser, stole \$600,000 from her, virtually her entire life savings. Her money and property disappeared in different ways: jewelry disappeared; she signed checks made out to different members of the staff or to "cash;" rent was sometimes paid twice; she went with staff members to her bank; she named the activities director her agent under power of attorney. Finally, a new bookkeeper at the facility became alarmed and notified APS of the situation when Mrs. W couldn't pay her monthly bill. The court appointed the Public Guardian to serve as her guardian. After moving her to a different facility, the Public Guardian sued the previous facility, its parent company, and the individual employees to recover her funds.