



# Prosecuting Financial Exploitation of Older Adults

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# Prosecuting Financial Exploitation

- When an older adult victim's resources, including money, identity, property and other assets are improperly taken, utilized or concealed
- A continuing problem involving millions of older adults and considered to be a type of abuse
- Given the vulnerability of the older adult population, they are a prime target for exploitation by family members, caregivers and strangers

# Common Indicators of Financial Exploitation

- Sudden changes in banking practice, including an unexplained withdrawal of money
- Abrupt changes in a will or other financial documents
- Unexplained disappearance of funds or valuable possessions
- Substandard care being provided or bills unpaid despite the availability of adequate financial resources

# Common Indicators of Financial Exploitation

- Unexplained transfer of assets or title to real estate
- Extraordinary interest by a family member or “new friend” in assets
- Completion of a legal document or transaction that the older adult does not understand or was rushed to complete

# Issues to Consider

- Is there a relationship required?
- Does the statute prohibit certain conduct based on the victim's age, vulnerability or incapacitated state?
- What makes an act of financial exploitation a felony?
- Are there any civil documents which grant decision-making authority to another party?
- Has there been undue influence?

# Undue Influence

- Does not refer to the crime itself, but provides a theory for the way in which a fraud, theft or other form of financial exploitation was committed against a person
- Focus: whether the perpetrator engaged in tactics that stripped the older adult of free will
- If undue influence exists, the older adult's freedom to choose has been compromised and criminal charges may be considered

# Undue Influence- Common Tactics

- Isolate from others and information
- Create fear
- Keep unaware
- Create dependencies
- Create lack of faith in own abilities
- Perform intermittent acts of kindness
- Induce shame and secrecy
- Prey on vulnerabilities

# Maryland Statutory Crimes

- Exploitation of Vulnerable Adults Prohibited
- Neglect of a Vulnerable Adult - 1<sup>st</sup> and 2<sup>nd</sup> degree
- Theft - Felony or Misdemeanor
- Credit Card Theft
- Forgery
- Embezzlement - Fraudulent Misappropriation by a Fiduciary
- Identity Fraud
- Medicaid Fraud
- Burglary
- Embezzling, altering will or record
- Destroying Will
- Extortion





Thank You