



National Adult Protective Services Association

APS PROFESSIONALS SPEAK OUT ABOUT WORKING WITH BANKS

- NAPSA posted a 12-question survey to the APS listserv in February, 2014
 - Over 300 responded from 19 states; two-thirds were from six states: AR, CA, NC, OK, OR and PA.
 - Half the respondents were front-line investigators; 30% were supervisors; others administrators, etc.
- 44% said that it was *somewhat difficult* to obtain financial records needed for APS investigations; 21% said it was *very difficult*; 2% said it was *very simple*.
- 44% reported that *financial institutions are frequently unwilling to provide client records* and another 35% sometimes experience this (total of 65%).
- Obstacles to APS acquiring clients' bank records: 68% reported that *banks require a subpoena*; 57% said that banks will not provide them even when the client signs a release of information; and 36% said that the bank cooperates only if it made the report to APS.
- 40% stated that they *frequently experience long delays* in obtaining client records and 36% sometimes do.
- 79% are never or seldom charged a fee for records.
- 44% said that financial institutions are mandated reporters in their states.
- Over three-quarters said there is sometimes or often a difference between a financial institution's willingness to report to APS and its willingness to share records.
- Requirement for subpoenas: 70% reported it is somewhat to *very burdensome*; 61% stated that the process takes away time that should be spent on helping the client, and 45% said that the *process is significantly lengthy*.
- Refusal to release records: 60% responded that the banks state they *fear liability*; 46% said they cite federal privacy laws; and 46% said that the institutions' attorneys advised against release.
- Some of the comments received:
 - . . . *we have to get an Order to Investigate by the judge, even though the law is clear we may have the records under a state abuse investigation. It is time consuming but most importantly at times the client is still losing money while we are getting the order.*
 - *XXX Bank is the most difficult, they make APS referrals through a centralized office. They do not know if the adult is disabled, which is our first criteria for screening a report. If the report was allowed to come from the branch, it would be easier, since branch staff probably know the alleged victim. Branch must contact central office, who know nothing.*
 - *XXX Bank has been fairly difficult as they want separate requests for credit card, investment, and checking/savings accounts. XXX Bank often refuses requests for lack of identifying information, generally wanting SSN. XXX Banks would not provide without signed release from client. Credit card companies are particularly difficult, as along with most banks it is difficult to find contact information on their websites . .*
 - *Adult Protective Services needs to have bank record in order to make the right decisions in an exploitation case. Without bank records or any proof of exploitation, APS workers has to take the perpetrator's words as being truthful. It's impossible to get the bank to cooperate with Adult Protective Services here.*
 - *We have had 4 recent cases involving financial abuse. The banks were placed on notice and they did not freeze the accounts or provide records. Consequently, a combined \$65k was removed from the accounts in the 60 days prior to the establishment of the conservatorship.*



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CITATIONS FROM RESEARCH ON ELDER ABUSE

- **One in nine seniors reported being abused, neglected or exploited in the past twelve months:**

Acierno, R., Hernandez-Tejada, M., Muzzy, W., Steve, K. *National Elder Mistreatment Study Final Report*. March, 2009. 48 & 71. This document is a research report submitted to the U.S. Department of Justice. This report has not been published by the Department. The report is available on the USDOJ website at: <http://www.ncjrs.gov/pdffiles1/nij/grants/226456.pdf>.

This study states: “the rate of financial exploitation is extremely high, with 1 in 20 older adults indicating some form of perceived financial mistreatment occurring at least one time in the recent past. Specific resources and civil remedies (e.g., dedicated prosecutors of financial mistreatment in geographic regions with high numbers of older adults) should be derived. Financial exploitation by family members and by strangers was increased among the more physically disabled adults, indicating perhaps a greater need for monitoring for this subgroup of elders.”

- **Elder abuse is vastly under-reported; only one in 23.5 cases is reported to any agency; for financial abuse it is one in 44 and for neglect it is one in 57.**

Lachs, Mark, et al. (2011) *Under the Radar: New York State Elder Abuse Prevalence Study Final Report*. Lifespan of Greater Rochester, Inc.; Weill Cornell Medical Center of Cornell University and New York City Department for the Aging.

Note: this study found an elder abuse prevalence rate of 7.6% using a similar methodology to Acierno’s study but more stringent definitions of what constitutes abuse. The rate of coronary heart disease in 2006 was also 7.6%. [American Heart Association. Heart Attack and Stroke Statistics 2009 Update at a Glance. <http://www.nanocorthx.com/Articles/HeartDiseaseStrokeStatistics.pdf>.]

- **Abused seniors are three times more likely to die:**

Lachs, M. et al. (1998). *The Mortality of Elder Mistreatment*. Journal of the American Medical Association, Vol 280, No. 5, 428 – 432

- **Elder abuse victims are four times more likely to go into a nursing home:**

Lachs, Mark. Testimony before the Senate Special Committee on Aging. March 2, 2011. Washington, DC.

- **Victims of abuse utilize healthcare services at higher rates:**

Koss, M. P., Heslet, L. *Somatic consequences of violence against women* Arch Fam Med 1992. Sep;1(1):53-9. Archives of Family Medicine, 1, 53-59. (those who had experienced abuse accessed the health care system 2 to 2.5 times as often)

- **90% of abusers are family members or trusted others:**

90% of elder abuse and neglect incidents are by known perpetrators, usually family members. National Center on Elder Abuse, 1994. The National Elder Abuse Incidence Study: Final Report Washington, DC: Administration for Children and Families & Administration on Aging, US Department of Health and Human Services

- **95% of seniors live in the community:**

2006 – 2007 census data: 1.8 million people live in nursing homes, 52.4 million people are age 60 and older = 3.4% of seniors in LTC

- **Almost one in ten financial abuse victims will turn to Medicaid as a direct result of their own monies being stolen from them.**

Jilene Gunther. *The Utah Cost of Financial Exploitation*. March, 2011. Utah Division of Aging and Adult Services.