



**Looking for Love?
Case Study of a Sweetheart Scam**

Panel Members:

- Brenda Shafer-Pellinen, Eldercare Development Specialist, Arrowhead Area Agency on Aging & MEJC Board Member, Family/Victim Representative – Granddaughter of Colleen Grey
- John Degelmann - Financial Advisor
- Colleen Jensen, MSW LICSW - Former Hennepin County Adult Protection Investigator
- Anita Raymond, LISW, CMC - Program Director, Volunteers of America – Minnesota
- Shannon Rohr, MS, RS - Environmental Health Supervisor, City of Bloomington
- Martin Fleischhacker, Senior Financial Fraud Ombudsman, Minnesota Department of Commerce



Colleen Grey Case: Red Flags and Tips
and Tools
From an Adult Protection Perspective

Colleen Jensen, MSW LICSW

Observations and Colleen Grey's Case Overview

- Report received from MAARC, case assigned from intake MAARC
- Contact with Law Enforcement
- Planned meeting with Team
- Home visit
 - Observations
 - Red Flags from visit

*Protective Planning



Lichtenberg Financial Decision Screening Scale (LFDSS):

Instructions for administering and Scoring

Lichtenberg Financial Decision Screening Scale (LFDSS)[®]

Peter A. Lichtenberg, Ph. D., ABPP

Age: _____
Gender: _____ Education: _____ Date: _____

Older Person Should be Able to Communicate

- Choice
- Understanding
- Appreciation
- Rationale

1. What is the financial decision you are making/have made?
 Giving a gift / loan (e.g., paying bills or tuition for grandchild, purchase of home for son to live in)
 Major purchase or sale for self (home, car, renovations, services, invest in LTC or NH)
 Investment Planning (retirement, insurance, portfolio balancing)
 Estate planning (Will, beneficiary, DPOA, add/remove someone from bank account)
 Turn over bill paying to someone else
 Scam, Fraud, Theft (suspected)
 Other: _____
 Don't know/inaccurate

2. Was this your idea or did someone suggest it or accompany you?
 My idea
 Someone else suggested/drove me here
 Don't know/inaccurate

3. What is the purpose of your decision?
 Benefit self (meet a need, peace of mind)
 Benefit family (whom?)
 Benefit friends (whom?)
 Benefit organization/charity (which?)
 Please or satisfy someone else (whom?)
 Don't know/inaccurate

4. What is the primary financial goal?
 Earn money (or retain value of investment)
 Reduce tax burden
 Reduce debt
 Affordability of item(s) or service(s)
 Share my wealth after my death
 Allow someone else to access my money or finances / accounts (now)
 Gift someone or a charity (which?)
 Lifestyle (no \$\$ goal; meet a need/desire)
 Other (describe) _____
 Don't know/inaccurate

5. How will this decision impact you now & over time?
 Improve financial position
 No impact
 Negative impact/debt
 Don't know/inaccurate

6. How much risk to your financial well-being is involved?
 Low risk or none
 Moderate risk
 High risk
 Don't know/inaccurate

7. How many someone else be negatively affected?
 No one will be negatively affected
 Family members (who and why?)
 Someone else (who and why?)
 Charity (which and why?)
 Don't know/inaccurate

8. Who benefits most from this financial decision?
 I do
 Family
 Friend
 Caregiver
 Charity/organization
 Don't know/inaccurate

9. Does this decision change previous planned gifts or bequests to family, friends, or organizations?
 No
 Yes (who and why?)
 Don't know/inaccurate

10. To what extent did you talk with anyone regarding this decision?
 Not at all
 Mentioned it (to whom?)
 Discussed in depth (with whom?)
 Don't know/inaccurate

LFDSS Decisional Ability Score:
Major Concerns
Some Concerns
No Concerns

APS Case Outcome:
Case Substantiated
Case Unsubstantiated

Note: If consumer is not sure, PROBE before marking DK.

Introduction

- 10 item screening scale
- Conceptual model of decisional abilities
 - Choice
 - Rationale
 - Understanding
 - Appreciation

Administration

- "I am going to ask you a set of questions to better understand the financial transaction/decision you are making or have already made. Please answer these as best you can and feel free to elaborate on any of your answers."
- Read the questions
- Encourage elaboration
- Record answers

Scoring

- Circle answer
- Mark an X next to most correct response

Final Rating

- No concerns
- Significant concerns about financial decisional abilities
- I don't know- often indicates lack of awareness and understanding
- Lack of accuracy may lack understanding and awareness
- Undue influence can overpower financial decisional abilities of an older adult and raise concerns about decisional abilities

What to do next...

- In cases with concerns of decisional abilities a more thorough assessment should be completed, neurocognitive disorder may be present or mental health disorder

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Lichtenberg
Financial Decision
Screening Scale
(LFDSS):

User Review

Benefits

- Easy to use during interview with client
- Tested and Validated by Lichtenberg with Adult Protection investigators in Wayne State U Michigan
- Ongoing updates and research is taking place
- Helps assess decisional capacity
- Could prevent financial exploitation
- Utilizes a person-centered approach

Limitations

- Requires planning to bring a copy along during interview/ or via phone

Tips

- Bring a copy to each interview for potential use
- Useful for APS investigators, elder law attorneys, financial planners, Social workers, public accountants and physicians

According to Dr.
Bennett Blum,
MD
2002-2006

Undue
Influence IDEAL
Model and
Mental Capacity

To Understand Consent: It is important to obtain information about two factors:

- 1) Undue Influence: This refers to a form of manipulation or deception used to gain assets without the true consent of the victim.

The IDEAL Protocol can assist in demonstrating Undue Influence in cases.

According to Bennett Blum's, MD study 95% of civil financial exploitation cases have Undue Influence in them.

Important factor: Relationship between victim and suspect

No mental test available to show undue influence

- 2) Mental Capacity: This refers to the victim's ability to give knowledgeable consent.

Document your observations of the victim's specific behaviors regarding the transactions of concern and similar activities, in order to help show the victim's vulnerability or lack of informed consent analyze using PARADISE 2 model.

Very important to back up with evidence from medical records (neuropsych, cognitive testing, and functional tests).

Note: "Undue influence" and "mental capacity" are separate issues.

Dr. Bennett Blum, MD 2002

Undue Influence and IDEAL Protocol

Isolation

- from family, friends, technology.

Dependence

- emotionally, physically, or mentally.

Emotional Manipulation

- Exploitation of vulnerability- exploiting needs
- promises, threats, or a combination of both, regarding issues of safety and security.

Acquiescence

- Apparent consent or submission

Loss

- Monetary
- Property
- Assets
- ScanWriter

Dr. Bennett Blum IDEAL Protocol

Review

Benefits

- Helpful to use during investigation to determine undue influence
- Tested and Validated
- IDEAL describes those psychological and social factors that commonly co-exist in undue influence situations.
- This method of analysis has proven to be so effective that it is used in several countries in addition to the United States.

Limitations

- Most helpful if client or collateral is cooperative for observations and interview to confirm findings
- Ensure proper credit to Dr Bennett Blum for use of tool.

Tips

- Since its release in 2002, the "Worksheets" have been used by hundreds of lawyers, Court investigators, law enforcement personnel, and Adult Protective Services evaluators.
- Document quotes and observations

Colleen Jensen, MSW LICSW

Colleen.Jensen@allina.com

Guardianship & Conservatorship: What is This?

- Court appointed substitute or surrogate decision-maker
- Guardianship = Personal and Care Decisions
- Conservatorship = Money and Assets

Guardianship & Conservatorship: Terminology

- Petitioner: person who is asking the Court to appoint a guardian/conservator
- Respondent: person who is subject of petition
- Person Subject to Guardianship ~~ward~~
- Person Subject to Conservatorship ~~protected person~~
~~conservatee~~

Guardianship Is:

- an excellent tool....when it's necessary
- sometimes the only way to protect a person living with vulnerabilities
- sometimes the only way to meet the person's own goals
- to be utilized only in extreme circumstances when there is no other way to protect person/meet goals: last resort
- no longer the default approach

Important Definition

MN Stat. 524.5-102 Subd. 6: ***Incapacitated Person:***

- impaired to extent lacks sufficient understanding or capacity to make personal decisions

and

- is unable to meet personal needs for medical care, nutrition, clothing, shelter, safety even with use of appropriate technological and supported decision making assistance

Legal Criteria: Guardianship

- Incapacitated person *and*
- Identified needs cannot be met by less restrictive means, including but not limited to use of *appropriate technological assistance, supported decision making, community or residential services, or appointment of a health care agent...*

MN Stat. 524.5-310 (a)(2)

Important Definition: Supported Decision Making

assistance from one or more persons of an individual's choosing in understanding the nature and consequences of potential personal and financial decisions which enables the individual to make the decisions and, when consistent with the individual's wishes, in communicating a decision once made.

MN Statutes 524.5-102 Subd. 16a

Trying Less Restrictive Alternatives: Mandatory!

- *Petition must state “what less restrictive means have been attempted and considered, how long...have been attempted, and...why...not sufficient to meet the respondent’s identified needs”*

Minn. Stat. 524.5-303(b)(9); Minn. Stat. 524.5-403 (b) 10

- *The court must make specific findings particular to the respondent why less restrictive alternatives do not work.*

Minn. Stat. 524.5-310(a)(2); Minn. Stat. 524.5-409 Subd. 1(3)

Conservatorship Criteria

- Person is unable to manage property & business affairs b/c of impairment in ability to receive and evaluate information or make decisions, even with use of appropriate technological *and supported decision making* assistance;
- Has property which will be wasted or dissipated unless management is provided *or*
- Money is needed for support, care, education, health, and welfare of the person or individuals entitled to the person's support

and

Conservatorship Criteria

...and:

Identified needs cannot be met by less restrictive means, including but not limited to use of *appropriate technological assistance, supported decision making*, representative payee, trusts, banking or bill paying assistance, or appt. of attorney-in-fact

MN Stat. 524.5-409 Subd.1(1)(2)(3)

Guardianship Can't Solve Problems...

Guardians Can't Control Behaviors:

consent (paper) power

not

(police) action or compliance power

Guardianship Can't Solve Problems...

524.5-120 BILL OF RIGHTS

(9) personal privacy;

(10) communicate, visit, or *interact with others, including receiving visitors or making or receiving telephone calls, personal mail, or electronic communications including through social media, or participating in social activities unless...*

Additional Petitioning Considerations

Nominating the most appropriate Guardian / Conservator

- Priority appointments
- Background checks
- Annual reporting requirements
- Professional vs. family

Less Restrictive Alternatives to Guardianship

- Accepting needed services
- Supported Decision Making / Cooperation with Others' Ideas/Input
- Ethics Committees / Policies
- Health Care Directive
- Authorized Rep. for Economic Assistance
- County/Private Case Management
- Commitment
- Financial Management

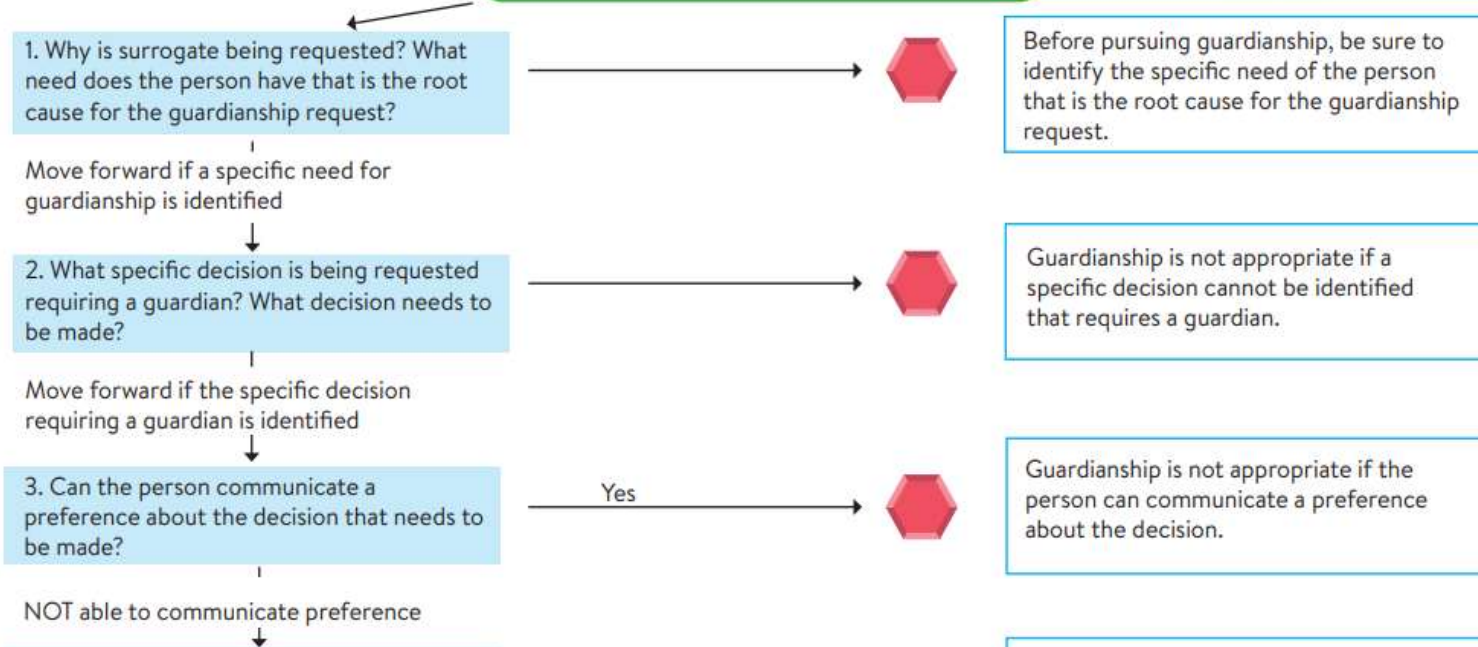
Less Restrictive Alternatives: Conservatorship

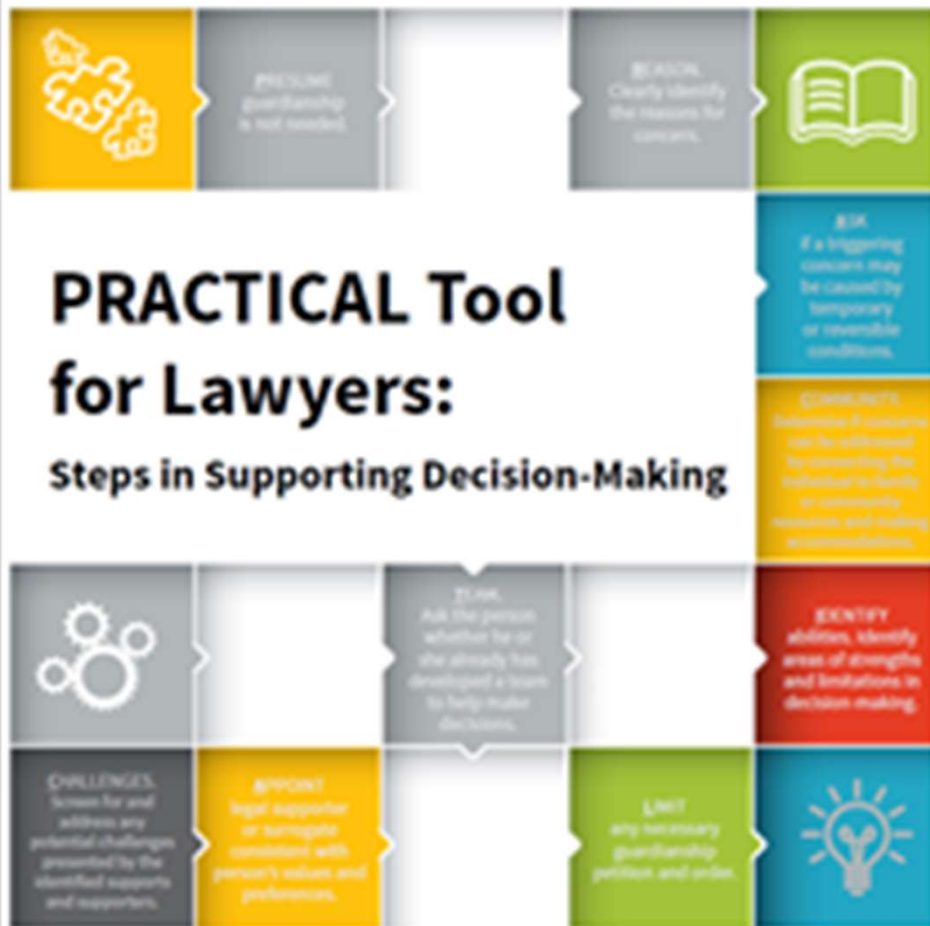
- SDM, Family, trusted friend
- Bank Plans: auto pay, direct deposit, co-signers
- Authorized Representative for Economic Assistance
- Representative Payee
- Power of Attorney
- Trust

- Guardianship is a restrictive intervention that removes some of a person’s rights. Therefore, presume guardianship is not needed until all less restrictive options are exhausted and documented.
- Accommodate for the person’s communication abilities in order to explain and clarify to the person the required decision that needs to be made. Use plain language and communicate in a way the person can understand the issue and context, including providing the person options regarding the decision and explaining the consequences associated with each option.



Is guardianship the most appropriate intervention?





- Four Page Worksheet
- 22 Page Resource Guide

Jointly produced by the
Commission on Law and Aging,
Commission on Disability Rights,
Section on Civil Rights and Social Justice, and
Section on Real Property, Trust and Estate Law



PRACTICAL Tool

Presume

Reason

Ask

Community

Team

Identify

Challenges

Appoint

Limit

REASON. Clearly identify the reasons for concern.

Consider whether the individual can meet some or all of the following needs:

Money Management:

- Managing accounts, assets, and benefits
- Recognizing exploitation

Health Care:

- Making decisions about medical treatment
- Taking medications as needed
- Maintaining hygiene and diet
- Avoiding high-risk behaviors

Relationships:

- Behaving appropriately with friends, family, and workers
- Making safe decisions about sexual relationships

Community Living:

- Living independently
- Maintaining habitable conditions
- Accessing community resources

Personal Decision-Making:

- Understanding legal documents (contracts, lease, powers of attorney)
- Communicating wishes
- Understanding legal consequences of behavior

Employment:

- Looking for, gaining, and retaining employment

Personal Safety:

- Avoiding common dangers
- Recognizing and avoiding abuse
- Knowing what to do in an emergency

**Observations and Notes
(List supports needed.):**



CESDM

CENTER FOR EXCELLENCE
IN SUPPORTED DECISION MAKING

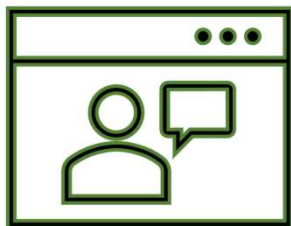


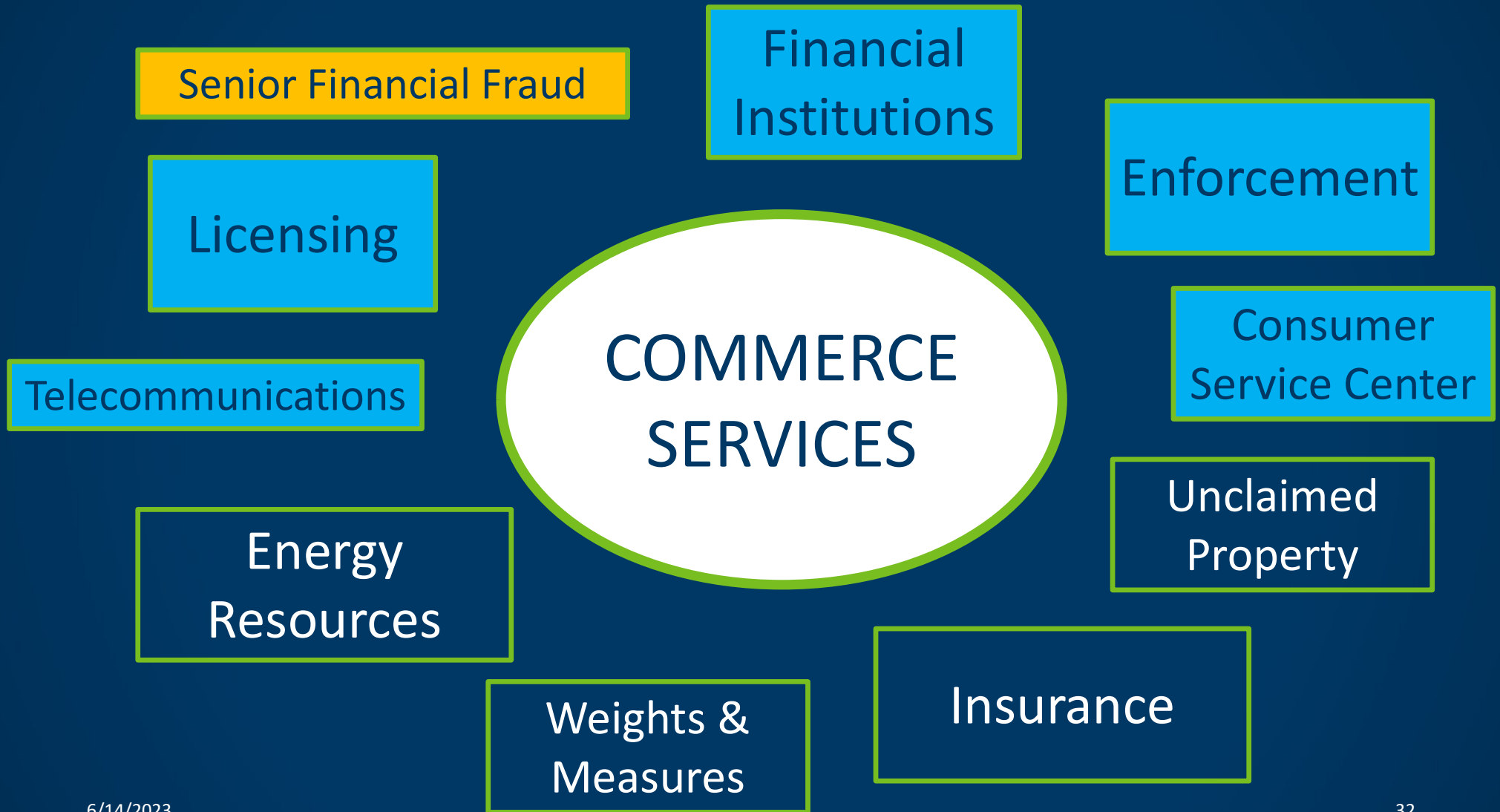
Minnesota
GUARDIANSHIP INFORMATION LINE

952-945-4174

1-844-333-1748

cesdm@voamn.org





Con Artist's Playbook

The Secret Scam Recipe

Heighten emotions (fear, excitement, intimidation)

- + Isolate the targeted victim
- + Build trust
- + Abuse authority

= Financial Loss... and Worse

Warning Signs of Possible Financial Abuse

There are two categories of red flags:

- Suspicious Activity
- Suspicious Behavior



Suspicious Activity

1. Uncharacteristic banking activity
2. Belongings or property are missing
3. Customer cannot explain unusual activity
4. Change of address for bank docs from the customer's home
5. Suspicious signatures
6. Third party conducts transactions

Suspicious Behavior

1. Customer cannot explain their financial status
2. Third party too interested in customer's affairs
3. You are unable to speak directly with the customer
4. Customer appears confused about transactions
5. Noticeable change in the customer's appearance
6. Customer exhibits unusual excitement or other emotion

Impact of Financial Exploitation

- Unrecoverable lost funds
- Loss of trust in others
- Can result in lack of independence
- Victims suffer depression, and feelings of hopelessness
- Suicide

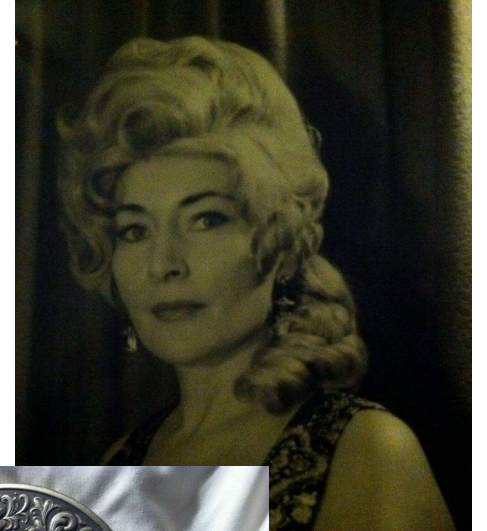
Thank You!

Marty Fleischhacker

martin.fleischhacker@state.mn.us

Cell: 952.237.7571

<https://mn.gov/commerce/money/fraud/senior-fraud/report-senior-fraud.jsp>



Colleen LaVonne (Lysne) Grey
September 17, 1927 – June 3, 2015