

**Commentary...**

**Be alert to elder abuse – Part III**

By Betsy Leighty-Johnson  
Guest Columnist

*This is Part 3 of a multi-part series on Elder Abuse Awareness, intended to raise community awareness and to provide resources for individuals who are themselves vulnerable or are caregivers, family or friends of vulnerable people.*

The Oregon Department of Human Services (DHS) has Adult Protective Service (APS) offices statewide to coordinate and conduct abuse investigations and provide services to reports of neglect and abuse of vulnerable adults, including: adults over the age of 65, adults with physical and/or developmental disabilities, adults with mental illness, and children receiving residential treatment services.

Financial abuse (exploitation) is the leading type of elder abuse in Oregon, representing 32 percent of all substantiated cases in 2017. In Oregon, the average loss to financial abuse is approximately \$25,000. Neglect of care and verbal/emotional abuse often co-exist in financial abuse cases.

DHS' web page provides definitions and warning signs for the abuse of vulnerable adults. They define financial exploitation as:

- Wrongfully taking, by means including but not limited to deceit, trickery, subterfuge, coercion, harassment, duress, fraud, or undue influence, the assets, funds, property, or medications belonging to or intended for the use of an adult.
- Alarming an adult by conveying a threat to wrongfully take or appropriate money or property of the adult if the adult would reasonably believe that the threat conveyed would be carried out.
- Misappropriating or misusing any money from

any account held jointly or singly by an adult.

- Failing to use income or assets of an adult for the benefit, support, and maintenance of the adult.

DHS also gives the following warning signs of financial exploitation:

- Unusual or inappropriate activity surrounding investment properties or in bank accounts, including the use of ATM cards, to make large or repeated withdrawals.
- Signatures on checks, etc. that do not resemble the person's signature, or signatures when the person cannot write.

- Power of attorney given, or recent changes in or creation of a will or trust, when the person is incapable of making such decisions.

- Unpaid bills, overdue rent, utility shut-off notices.

- Excessive spending by a caregiver on himself for new clothing, jewelry, automobiles.

- Lack of spending on the care of the person, including personal grooming items.

- Missing personal belongings, such as art, silverware or jewelry.

- Recent sale of assets and properties.

A vulnerable person may have been generous and giving all of their lives and wants to give someone property or money. If you have a confidential or fiduciary relationship with someone, you may have a legal obligation to say "no." This relationship includes being listed on a joint bank account, being an agent on a power of attorney, or having some kind of influence on their financial decisions.

Financial elder abuse means wrongfully taking property or money from a vulnerable person. It may be easy to understand wrongful in the terms of theft, extortion, embezzlement,

or withholding someone's money from them. However, it also includes the use of "undue influence," whereby a person uses a "confidential relationship" with an elder to get money transferred to themselves.

The advice from Orrin R. Onken, an elder law attorney out of Fairview, Oregon, is "don't accept gifts from elderly relatives or other disabled people unless the gift is wrapped in Christmas wrap and fits beneath a tree," and you open it in front of others. Failure to do so could end up with you being sued for three times the amount you received and required to pay the attorney fees incurred in suing you.

If you become aware of signs that a person over 65 (or a person with disabilities of any age) is being abused, report it and let the authorities investigate. Protect any evidence you may have and call the toll-free abuse hotline at 800-503-SAFE or by calling local law enforcement in the county where the abuse occurred. If you report elder abuse in good faith, the law will protect you from being sued by the alleged abuser if you are mistaken.

Dr. Betsy Leighty-Johnson has a PhD in Human Services with a specialization in Social and Community Services. In September 2014, the author and her husband discovered his (then) 96-year-old mother had been the victim of financial elder abuse. They were very involved in the collection of evidence assisting in the felony prosecution of the victim's daughter for the crime. Since that time, the author has become an elder abuse advocate, currently assisting the Deschutes County District Attorney's office with elder abuse cases.

**Sisters salutes...**

Sisters author Dr. Larry Len Peterson has been honored with the Board of Trustees Heritage Guardian Award from the Montana Historical Society. Peterson is a native Montanan, now living in Sisters.

The citation notes that "... Dr. Larry Len Peterson's outstanding efforts to preserve and promote Montana's history and culture by writing beautiful, engaging books about Montana's historic

artists is a model for future generations to follow... To add to Peterson's impressive record of advancing Montana history, he has gifted the proceeds of his efforts to various Montana Historical Society causes. Most recently he donated the royalties from 'American Trinity' to the Montana Historical Society to provide travel scholarships for reservation schools to bring students to Helena to visit the Society."

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