

Center for Elders and the Courts

“Red Flags” for Elder Exploitation

The Protected Person:

- Has no relatives or active friendships

The Estate:

- Is large and complicated with significant amounts of cash and securities

The Guardian:

- Talks about being exhausted and overwhelmed
- Wants to resign
- Keeps changing attorneys or attorneys try to withdraw
- Has little knowledge about caring for dependent adults or has little experience with financial matters
- Excessively controls all access to the respondent and insists on being the sole provider of information to friends and family
- Does not permit the respondent to be interviewed alone
- Changes the respondent's providers to his/her own personal providers (e.g., physicians, dentist, accountants, bankers)
- Has financial problems (e.g., tax issues, bankruptcy) or personal problems (e.g., illness, divorce, a family member with a disabling accident or illness)

Possible "Red Flags"

The Protected Person:

- Requires a different living situation, either more protected or less protected

The Guardian:

Financial /Accounting Irregularities

- Does not pay the bills or pays them late or irregularly
- Does not furnish/pay for clothing for the respondent residing in a nursing home or assisted living facility
- Does not arrange for application for Medicaid when needed for skilled nursing home payment
- Has a lifestyle that seems more affluent than before the guardianship/conservatorship
- Fails to renew a bond or has a bond revoked
- Has large expenditures in the accounting not appropriate to the respondent's lifestyle or setting
- Includes questionable entries in accountings:
- Utilities charges when the respondent is not living in the home or the home is empty
- Television sets or other items are in the accounting but are not present in the respondent's home
- Numerous checks are written for cash
- Guardian/conservator reimburses self repeatedly without explanations
- Automobile is purchased but the respondent cannot drive or use the vehicle
- Use of ATM without court authorization
- Gaps and missing entries for expected income (e.g., pensions, Social Security, rental income)

- No entries for expected expenses (e.g., health insurance, property insurance)

Compliance/Quality of Care Issues

- Does not cooperate with health or social service providers and is reluctant to spend money on the respondent
- Is not forthcoming about the services the respondent can afford or says the person cannot afford services when that is not the case
- Does not file court documents, including accountings, on time
- Is providing questionable quality of care
- Is the subject of repeated complaints from family members, neighbors, friends, or the respondent
- Is not visiting or actively overseeing the care of the respondent.