

Offices in  
Suffolk and  
Virginia Beach, Virginia  
Tel: 757-399-7506  
Fax: 757-397-1267  
Web: [www.oasthook.com](http://www.oasthook.com)



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ELDER LAW ATTORNEYS, INC.

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Editor  
Sandra L. Smith,  
Certified Elder Law Attorney

## FINANCIAL ELDER ABUSE BY M. BRADLEY BRICKHOUSE

Recently, a survey conducted by the National Center on Elder Abuse disclosed nearly a 20% increase in the reported incidents of elder abuse over a four year period. Elder abuse takes many forms and encompasses the physical, psychological, emotional, verbal, sexual, or financial abuse of an older adult.

Financial elder abuse, a growing problem in the United States, is referred to as “adult exploitation” in the Code of Virginia and defined there as “the illegal use of an incapacitated adult or his resources for another’s profit or advantage.” Larceny, embezzlement, forgery, and extortion are examples of acquiring an elderly person’s resources through the use of that person’s mental or physical incapacity. These types of elder abuse are often difficult for family members of the elderly to recognize and prevent because they are usually accomplished by the use of covert, subtle, and deceitful means. The difficulty in recognizing and preventing financial elder abuse is compounded by the fact that in a large number of cases the financial abuse is perpetrated by a trusted family member or caregiver. In fact, it is estimated that there may be at least 5 million elderly victims of financial abuse in this country each year, and that only 1 in 25 incidents of financial abuse against the elderly is reported.

Even though financial elder abuse is difficult to recognize, the following warning signs necessitate further investigation:

1. The unexplained disappearance of funds, valuables, or personal belongings.
2. The presence of an adult child that is financially dependent upon the elderly individual.
3. The sudden appearance of previously uninvolved relatives or friends or an unusual household composition.

4. The sudden transfer of property or savings.
5. Excessive payments for care or services.
6. The elderly individual is unaware of the amount of the individual's income, can not account for the individual's money, or the individual's financial papers are no longer mailed to the individual's home.
7. Depleted bank accounts, returned checks, or the chronic failure to pay bills.
8. Change in the elderly individual's power of attorney or will.
9. The elderly individual is kept isolated. The isolation can be either physical or social, or it can be isolation from the decision making process.
10. Signatures on checks that do not resemble the elderly individual's signature.
11. The elderly individual reports signing papers and doesn't know what was signed.

The presence of any of these warning signs by itself does not support the conclusion that financial elder abuse has occurred, but it does suggest that the person concerned for the well-being of the potential victim evaluate and investigate the circumstances until the concerned person is satisfied that no financial abuse occurred. If the concerned person is not satisfied with the explanation provided or is met with resistance while trying to obtain information, then the concerned person should contact an attorney experienced in dealing with elder abuse for assistance in evaluating the situation. The attorney's advice may include requesting an accounting or contacting the local police or adult protective services, and it may also include seeking judicial relief for breach of fiduciary duties, theft, or fraud.

Recently, the attorneys at Oast & Hook have seen an increase in its cases involving financial elder abuse, and they have successfully assisted in recovering the elderly victim's assets.

*Bradley Brickhouse is an elder law attorney with Oast & Hook, and he practices in the areas of estate planning, guardianships, conservatorships, financial abuse, will contests, estate and trust disputes and litigation in support of these areas.*

The attorneys at Oast & Hook can assist clients with their estate, financial, insurance, long-term care, veterans' benefits and special needs planning issues.

#### **Ask Allie**

O&H: Allie, we've heard that there are some good career options for young pet lovers. Please tell us about them.

Allie: Sure! The Humane Society of the United States (HSUS) has a new division, the Humane Society University (HSU). The University, in conjunction with Duquesne University's School of Leadership and Professional Development, now offers an online Bachelor of Science degree in the field of humane leadership. This degree is the first of its kind, and is designed to train individuals on how to become animal shelter managers. The HSU also offers a graduate certificate in organizational leadership designed for animal shelter professionals. For more information, visit [www.humanesociety.org](http://www.humanesociety.org). Another career opportunity is in animal law. Several law schools offer courses in animal law, including the University of Virginia Law School, Georgetown Law School, and Duke Law School. These programs have been funded by former TV host Bob Barker who hopes these programs will help teach law students to use the law after they graduate to work on behalf of pets. Mr. Barker also donated \$2 million to his alma mater, Drury University, toward establishing an undergraduate animal ethics program. These sound like great career opportunities! I'll have more information in a future column. Time to find my laser toy. See you next week!

### Announcements

Oast & Hook attorney Brian Boys will give a presentation at 7:00 p.m., Tuesday, May 24th at Churchland House, 4916 West Norfolk Road, Portsmouth, Virginia 23703. The topic is "Veterans Benefits." For more information or to register, please phone Shelly Ruckman at 757-483-1780.

Oast & Hook attorney Sandra Smith will give a presentation on at 6:30 p.m., Wednesday, May 25th at Commonwealth Assisted Living at Hampton, 1030 Topping Lane, Hampton, Virginia 23666. The topic is "Veterans Benefits." For more information or to register, please phone Ron Thompson at 757-826-3728.

### Distribution of This Newsletter

Oast & Hook encourages you to share this newsletter with anyone who is interested in issues pertaining to the elderly, the disabled, and their advocates. The information in this newsletter may be copied and distributed, without charge and without permission, but with appropriate citation to Oast & Hook, P.C. If you are interested in a free subscription to the *Oast & Hook News*, then please e-mail us at [mail@oasthook.com](mailto:mail@oasthook.com), telephone us at 757-399-7506, or fax us at 757-397-1267.

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