

The seal of the Department of Justice of the Government of Ontario is a circular emblem. It features a central shield with a red cross on a white background, topped by a crown. Two figures, a man in a hat and a man in a red cap, stand on either side of the shield, holding a banner. The shield is set against a background of a blue sky with white clouds. The entire seal is surrounded by a gold border with the Latin motto "VOLVNTATIS TVÆ" at the top and "CORONATI" at the bottom. The text "BCNÆ" is also visible on the left side of the border.

**Prosecuting Financial Exploitation
of
Older Adults**

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Prosecuting Financial Exploitation

- When an older adult victim's resources, including money, identity, property and other assets are improperly taken, utilized or concealed
- A continuing problem involving millions of older adults and considered to be a type of abuse
- Given the vulnerability of the older adult population, they are a prime target for exploitation by family members, caregivers and strangers

Common Indicators of Financial Exploitation

- Sudden changes in banking practice, including an unexplained withdrawal of money
- Abrupt changes in a will or other financial documents
- Unexplained disappearance of funds or valuable possessions
- Substandard care being provided or bills unpaid despite the availability of adequate financial resources

Common Indicators of Financial Exploitation

- Unexplained transfer of assets or title to real estate
- Extraordinary interest by a family member or “new friend” in assets
- Completion of a legal document or transaction that the older adult does not understand or was rushed to complete

Issues to Consider

- Is there a relationship required?
- Does the statute prohibit certain conduct based on the victim's age, vulnerability or incapacitated state?
- What makes an act of financial exploitation a felony?
- Are there any civil documents which grant decision-making authority to another party?
- Has there been undue influence?

Undue Influence

- Does not refer to the crime itself, but provides a theory for the way in which a fraud, theft or other form of financial exploitation was committed against a person
- Focus: whether the perpetrator engaged in tactics that stripped the older adult of free will
- If undue influence exists, the older adult's freedom to choose has been compromised and criminal charges may be considered

Undue Influence- Common Tactics

- Isolate from others and information
- Create fear
- Keep unaware
- Create dependencies
- Create lack of faith in own abilities
- Perform intermittent acts of kindness
- Induce shame and secrecy
- Prey on vulnerabilities

Maryland Statutory Crimes

- Exploitation of Vulnerable Adults Prohibited
- Neglect of a Vulnerable Adult - 1st and 2nd degree
- Theft - Felony or Misdemeanor
- Credit Card Theft
- Forgery
- Embezzlement - Fraudulent Misappropriation by a Fiduciary
- Identity Fraud
- Medicaid Fraud
- Burglary
- Embezzling, altering will or record
- Destroying Will
- Extortion



Thank You