

DISABILITY & AGING RIGHTS



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ABUSE, NEGLECT AND EXPLOITATION

Protecting a Person with a Disability or an Older Adult from Financial Exploitation

People with disabilities and older adults may have to rely on others for help in their personal and financial activities. Unfortunately, people with disabilities and older adults are more likely to be the victims of financial exploitation by those who care for them or by people who seek to take advantage of them for their own financial gain.

If you are concerned that a person with disabilities or an older adult may be a victim of financial exploitation, you have several ways to report the harmful behavior and protect the victim. This fact sheet defines financial exploitation, tells you how to report it, and provides other ways to protect people with disabilities and older adults from further harm.

What financial exploitation is

Financial exploitation occurs when someone improperly uses the money, assets or resources of a person with disabilities or an older adult to the abuser's advantage or to the disadvantage of the person with disabilities or older adult.

Examples of financial exploitation include:

- Stealing or misusing the victim's checks, credit cards or money
- Forging the victim's signature
- Forcing or deceiving the victim into signing checks, estate planning documents, contracts or other documents
- Taking the victim's possessions without permission
- Misusing a power of attorney to the exploiter's benefit

If you are concerned that a person with a disability or an older adult (60 or older) is being financially exploited, you may take action by following one or more of the options below.

Reporting financial exploitation to state agencies

Several state agencies can investigate reports of financial exploitation and protect people with disabilities or older adults from further harm. Which agency investigates the report depends on a few factors, such as whether the exploitation occurred in a domestic setting or as part of a licensed program, and how that program is licensed.

You do not need to know detailed information about a facility's licensure or the victim's living

situation or program to make a report. You should call any one of the agencies below if you are concerned that a caregiver or other person is financially exploiting a person with disabilities or an older adult. The person answering your call will help you determine the correct agency to receive the report.

Each agency has a hotline that is available 24 hours a day, seven days a week.

The person taking your call will ask you for information, which may include:

- The victim's name, address, telephone number, age, and condition
- The alleged exploiter's name and relationship to the victim
- As much detail as possible about why you believe the victim is being financially exploited
- Whether the victim is in immediate danger
- Names and contact

Reporting to the Department on Aging

The Illinois Department on Aging's Adult Protective Services unit investigates allegations of abuse, neglect and financial exploitation of people with disabilities and older adults when the victim lives in a domestic living situation or while engaged in activities in his or her community. A domestic living situation is either a community-based unlicensed facility or a home where the person with a disability or older adult lives alone, with family, with a support worker or caregiver, or with others.



You should call the Adult Protective Services (APS) Hotline at 1-866-800-1409 to report any concerns of financial exploitation against a person with a disability or older adult. APS will complete an assessment, which will include a visit to the victim and may include interviews and contact with other people and service agencies. If APS determines that financial exploitation might have occurred, it will create a service care plan for the victim. APS will arrange for protective services for the victim with the consent of the victim or another person with legal authority to make decisions for the victim, such as a guardian.

APS has considerable authority to take action to protect victims of financial exploitation, including the ability to obtain a court order to freeze the victim's money or other assets.

Reporting to the Office of the Inspector General

The Office of the Inspector General for the Illinois Department of Human Services (OIG) investigates allegations of abuse, neglect and financial exploitation of people who receive mental health or developmental disabilities services in facilities or programs that are licensed, certified, funded or operated by the Department of Human Services. Many developmental disabilities, mental health and rehabilitation providers are licensed, certified, operated, or funded by DHS.

You should call the OIG Hotline at 1-800-368-1463 to report any concerns of financial exploitation. OIG will begin its investigation immediately if the victim is at risk of harm. OIG may make emergency referrals for services,

notify law enforcement or contact other state agencies for assistance.

Upon learning of the report, the facility where the victim lives is required to immediately take actions to protect the victim. If the Office of the Inspector General believes that financial exploitation or other abuse has occurred, the facility should prevent any employees accused of the harmful behavior from having contact with the victim or other people at the facility until an investigation is complete.

Reporting to the Department of Public Health

The Illinois Department of Public Health (IDPH) investigates allegations of abuse, neglect and financial exploitation of residents in nursing homes or other long-term care facilities and hospitals.

You should call the IDPH Nursing Home Hotline at 1-800-252-4343 to report concerns of financial exploitation of a person living in a nursing home, other long-term care facility or hospital. IDPH is required to investigate within 24 hours all reports where the victim is at immediate risk of harm. IDPH should investigate all reports alleging abuse or neglect within seven days and all other reports within 30 days.

Additional protective actions

In addition to making a report to a state agency, there are many actions you can take on behalf of people with disabilities or older adults to protect them from financial exploitation.

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The following are among the actions that may be available to you:

Call the police: If you believe the victim is in immediate danger, you should call 911.

Order of Protection: You can seek an Order of Protection in civil court to protect people with disabilities or older adults from financial exploitation if their disability prevents or makes it harder for them to obtain protection themselves, and if the financial exploitation was committed by a family or household member.

“Family or household member” includes someone related to the victim by blood, someone related to the victim’s spouse or former spouse, or someone who is or was in a dating relationship with the victim; anyone who lives or used to live with the victim; or personal assistants or caregivers of a person with a disability.

For more information on obtaining Orders of Protection, please see the EFE Fact Sheet on Orders of Protection for Persons with Disabilities.

Informal advocacy: Potential exploiters may be discouraged from taking advantage of a person with disabilities or older adult simply because someone else is involved and paying attention. Continue your assistance and make your involvement known to the extent the person with a disability or older adult allows. Also, simply knowing that you are involved and providing help may result in more action being taken for the victim after a report has been made. If the person committing the harmful behavior is an employee of the facility where the victim lives, consider advocating for removal or replacement of the caregiver or employee. ■

For more information:

Illinois Department on Aging: **1-800-252-8966** or **1-888-206-1327** (TTY)

Office of the Inspector General, Illinois Department of Human Services: **1-800-368-1463** (Voice/TTY)

Adult Protective Services (Department on Aging): **1-866-800-1409** or **1-888-206-1327** (TTY)

Illinois Department of Public Health: **1-800-252-4343**

Equip for Equality: **1-800-537-2632** or **1-800-610-2779** (TTY)



Equip for Equality
20 North Michigan Avenue
Suite 300
Chicago, IL 60602

www.equipforequality.org
1-800-537-2632
1-800-610-2779 (TTY)

Illinois Department on Aging
One Natural Resources Way
Suite 100
Springfield, IL 62702-1271

Senior HelpLine:
1-800-252-8966
1-888-206-1327 (TTY)
www.illinois.gov/aging

The Illinois Department on Aging does not discriminate in admission to programs or treatment of employment in programs or activities in compliance with appropriate State and Federal statutes. If you feel like you have been discriminated against, call the Senior HelpLine at 1-800-252-8966, 1-888-206-1327 (TTY).