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Growing fear: Elders swindled by family

By **MARY JANE SMETANKA**, Star Tribune

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First the son took possession of his mother's house. Then he got power of attorney. He took thousands of dollars in insurance proceeds, used her ATM card and took trips to California and Florida at his mother's expense.

His 84-year-old mother in Brooklyn Center, who has dementia, apparently didn't approve any of it.

It's just one of the hundreds of allegations of financial exploitation of vulnerable adults reported in Hennepin County each year. Allegations of people spending someone else's Social Security checks, draining bank accounts, having homes signed over to them, putting themselves into wills and other financial abuses have jumped 116 percent in the last seven years.

No other problem investigated by the county's Adult Protection Services has grown so quickly. Ramsey and Washington counties say they are seeing the same trend. And with a rapidly aging population, experts say they expect the problem to grow.

Most often, the victims are senior citizens and the people who are stealing from them are their own children, grandchildren and other trusted people.

"Ninety percent are family," said Carmen Castaneda, program manager of Hennepin County Adult Protection Services. "The kids are saying, 'What's yours is mine, and I need it now.' They are not necessarily malicious, but they are greedy. ... It's incredible."

In 2007, more than 700 new allegations of financial exploitation of a vulnerable adult were reported to Hennepin County, and 126 allegations were investigated.

Just 20 of the allegations that were investigated were substantiated. Less than 5 percent of all investigated allegations end in criminal charges -- a sign of how difficult they are to prove.

It's not like getting a medical report to show someone was sexually abused, Castaneda said. Proving financial abuse means establishing a paper trail and involving police to subpoena bank records. Victims often are heartbroken that someone they loved betrayed them, Castaneda said, and worried that they will have to go to a nursing home.

Removing people from their homes is not the role of adult protection, she said. But if someone loses their home, often the only option is exactly what the senior feared in the beginning: a nursing home.

Cheating mom

For the Brooklyn Park mother, the trouble started when her son, Michael Andrewjeski, moved in with her in 2005 after she had a stroke. The Hennepin County District Court criminal complaint said she was diagnosed with "mild mixed dementia" that put her at risk when making important decisions.

Though the mother's will specified that she wanted her estate, including her home, to be divided equally among three children, in November 2005 she signed a quit claim deed that effectively gave the house to Andrewjeski. She told investigators later that she didn't understand the transaction.

The son opened a joint bank account with his mother that records show she never used. But when she received \$19,000 in insurance proceeds, the money went into that account. More than \$3,000 in ATM card charges were made to the account, including expenses for trips her son made in 2006. According to the complaint, Andrewjeski also took more than \$11,000 in other money.

Andrewjeski's prosecution was complicated by his mother's memory problems. He was found guilty of theft by swindle and is on probation for five years, with a prison term awaiting if he violates his probation. He must stay away from his mother. She has regained title to her house. Andrewjeski could not be reached for comment.

Doing nothing wrong?

National studies find that most often, a relative who takes financial advantage of a senior is an adult male, often one who has addiction or gambling problems or is unemployed. But that's not always the case.

Adult protection officials said their calls range from bogus accusations from feuding siblings to a son who demanded an investigation into why his mother's \$30 million stock portfolio lost money.

Hennepin County has 10 investigators working on vulnerable adult allegations that involve everything from neglect to physical abuse; Washington County has 2.5 positions to do the same job. Investigations begin if there is evidence a vulnerable senior faces real harm, like being unable to pay a mortgage.

Transferring too many assets to relatives may make a senior ineligible for medical assistance, which can lead to eviction from a nursing home. In such cases, adult protection steps in to arrange for an emergency waiver so the county has time to find out where the money went.

Sometimes people are unaware of the rules about asset transfers, Castaneda said. But she said she's seen adult children unashamedly defend taking money from a now-penniless parent, saying they deserved the money.

"There's a belief out there by some people that government should pay for elderly people, and that the money they worked for all their lives is meant to be their kids'. That it's an inheritance right," Castaneda said.

Increasingly, county adult protection services have designated police to work with and meet regularly with other public health workers to discuss cases. More police and social workers are being trained to recognize signs of financial exploitation. Deb Tulloch, adult protection supervisor in Washington County, said she would like to see the law covering maltreatment of vulnerable adults strengthened.

"Frankly, there's not a lot of teeth in the law right now," she said. "There needs to be more prosecutions and conviction. ... It takes resources."

The ElderCare Rights Alliance in Bloomington, an advocacy and education nonprofit, has drawn together adult protection staff and other experts to examine the state law, which was last overhauled in 1995. Executive Director Mark Wandersee said the group would like to propose changes for the 2009 legislative session that would add stronger penalties for financial exploitation and make the cases easier to prosecute.

Now, he said, investigations don't "even touch the tip of the iceberg. For every case of financial exploitation [that's reported], five go unreported."

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