

Legally Speaking

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The SVAT – Stopping Elder Abuse

For many of us, retirement gives us the freedom and the time to do what we like best – golf, fish, cruise the Caribbean, search for the elusive perfect martini—like that. For some, a tradition of service, volunteerism, and personal sacrifice continues into our retirement. I'd like to highlight one of our own who is working in a vital area of service to the entire elder community.

The topic of elder abuse is no stranger to this column. Regular readers know that part of my personal mission statement is to do all I can to stem the rising tide of financial exploitation and physical abuse that appears to be burgeoning as our population ages. This month I'd like to talk about financial exploitation.

To borrow shamelessly from the address of Sally Hurme of the AARP to the United Nations in 2006, financial abuse most frequently is the result of a relationship gone wrong, or a betrayal of trust. A family member, friend or stranger may develop a trusting relationship with the older person. It can begin innocently, as the trusted person starts out actually helping to pay the bills. But too often the caring person becomes an opportunist as the older person declines mentally and physically. What begins as a helping relationship can mutate into abuse as the temptation to dip into the elder's bank account for personal needs becomes overpowering because it's just so easy. The use of legal investitures such as joint bank accounts, durable or enduring powers of attorney, deeds, and wills exponentially complicates detection and recovery because of their presumptive legitimacy. The legally complicated issues of consent, undue influence, and capacity create a golden opportunity for success in accomplishing the exploitation. It looks legal; it's hard to detect; it's unlikely to be reported; it's complicated to unravel; it's unusual to be prosecuted if it is revealed.

I am now in the process of probating the estate of a retired senior Air Force NCO who was brutally victimized by one of his children. His daughter along with her boyfriend, grandchildren and their boyfriends and children, all lived with him, making him a virtual prisoner in his own home. They utilized an old power of attorney to cash his retired check each month, and even stole his checkbook and forged checks with his signature. They had him evicted from his own home on bogus assault charges. When he finally passed away, they looted and gutted his house before finally being evicted. Strangely, it could have been worse.

Col (ret) Bob Gadd is a volunteer with the Colorado Springs Police Department's Senior Victim Assistance Team (SVAT). He came onto the case when Ent Federal Credit Union alerted SVAT about the depredations of the family. In turn, Bob brought this man to me and we were able to execute new estate planning documents and powers of attorney that took this man's life, at least legally speaking, out of the hands of his exploiters. The SVAT is staffed with some 25 volunteers who rotate through 24-7 on-call duty. When CSPD learns of elder abuse, either physical or

financial, the SVAT volunteers are called onto the case, sometimes in the middle of the night, to provide professional intervention, counseling, transportation, and referral to appropriate agencies for assistance. If protection orders are needed (more about this next month) Bob and his fellow volunteers can assist the elderly victims in getting one, walking them through the court process, showing them how to file, get the right people served, and even helping them to prepare for and conduct the hearing.

The SVAT is as close as your telephone – call (719) 444-7438 and you'll be put in contact with a 24-hour hotline. You'll be put into voice mail which will instruct you to call 911 if there's an emergency, but if not then to leave a short message describing the nature of your problem and contact information. Bob Gadd or some other selfless volunteer will be there for you.

For those located outside of Colorado Spring, the El Paso County Sheriff's office also has a hotline for Elder Abuse – (719) 444-5755.

Finally, Bob says that SVAT is always looking for more volunteers. If you've shot your age in golf, done all the double black diamonds at Snowmass, landed the ultimate trout, and/or perfected that martini, you may be in search of a new post-retirement mission statement. Call Kathy Rowlands at (719) 444-7441 and see if you have what it takes to join SVAT. For guys like Bob and others like them, it's not just a job, but a calling. An extra special salute to all of you.