

Issue #5

Senior Defense Newsletter

The Senior Defense Grant (SDG) is a project undertaken by the Legal Services Developer Program within the Senior and Long-Term Care Division at the state of Montana. Its goal is to effectively address the needs of victims of financial exploitation in Montana, through victim services, enhanced reporting, training, and education. This newsletter is going out to committee members, former trainees, and friends of the project. Whatever your role, we are thrilled to involve you in this important endeavor and welcome your feedback and participation.

Figure 1: Bovine Audience, Forsyth MT



This is the 5th quarterly newsletter. Whether you signed up at a training, clinic, or at a presentation, we are happy you have taken an interest in our project and we are excited to tell you about our recent progress.

Outreach Events or Activities

SDG staff attended the Governor's Conference on Aging to assist with conference activities. While we did not present on the SDG specifically, we did distribute grant materials and hosted a vendor booth where we talked about our program and the services we offer.

We have added a slide to our introduction that we read before each training in our "Lunchtime Training Series" that lists our contact information as a resource for those dealing with financial exploitation, abuse, or neglect. The slide encourages folks to get ahold of us if they need information on abuse, neglect, or exploitation, or if they would like assistance with reporting. It is our hope that we will be better recognized as a resource for victims and the professionals that work with them.



Figure 2: Foggy Morning, Blackfoot Clearwater WMA, Seeley MT

The SDG Project Coordinator joined the South Central Elder Justice Committee, who has met twice so far this quarter. While the group is related to grant work, it goes beyond the scope of the SDG in that the SCEJC is focused on education and prevention. While the PC attends meetings in an advisory

role, all SCEJC work is done voluntarily and outside of the work done under the SDG. Hopefully our involvement in this group will help us gain recognition as a resource for victims and the professionals that work with them.

Funding is always an issue for grant projects, as the money is never guaranteed to continue flowing. Our grant funder, the Montana Board of Crime Control is offering funding from VOCA again for 2024 and 2025. Unfortunately, we have to ask for \$100K less than we were able to in the past. This has forced us to get creative with how we plan to fund our clinics. Through the process of reaching out to partners and trying to secure funding, we have strengthened our relationships with industry partners and complementary organizations. Whether or not these organizations contribute monetary assistance, our working relationships have improved nonetheless, and we are freshly in their minds as a resource.

Advocacy Our program handles many more victimization cases than could be covered here, but there are a couple that we've chosen to talk about. One is a case in which a senior contacted us to report a discriminatory sales tactic used by a popular grocery store chain. The senior alleged that the chain only offers coupons and discounts via a smart device, which they claim is discriminatory against the tech illiterate as well as low-income individuals. As some people, including many seniors, are uncomfortable with technology, they are not able to access the discounts. Also, those who cannot afford smart devices are not able to utilize the coupons that are only available digitally. While we can't take on a fight against a national chain, we did get the senior in contact with Office of Consumer Protection here in Montana as well as the Better Business Bureau and the Consumer Financial Protection Bureau. Hopefully with the help of powerful national partners, this claim could gain some traction and may lead to actual changes.



Figure 3: The Bluffs, Forsyth MT

While the former case represents a type of report we don't usually receive, the next is much more indicative of the types of calls we usually receive. A senior contacted us to report their Power of Attorney Agent, was withholding funds meant for the Principal's care. They were in danger of being kicked out of the assisted living facility where they reside, as their Agent was not paying their bills. The Agent also sold their home for under fair market value and Medicaid is claiming all the proceeds. The case was referred over to the state's Elder Justice Prosecutor, Mike Fanning.

Figure 4: Above the Fog, Blackfoot Clearwater WMA, Seeley MT



Updates to Grant Materials As our project progresses, we add and update more resources on our website, [Legal Services Developer \(mt.gov\)](https://www.mt.gov/legalservices). This quarter, we added the “Money Mule Scams Tipsheet” to the website as a resource for both victims of this type of scam as well as the professionals that assist victims. It also lists our program as a resource for victims of money mule scams.

We also updated our ID Theft Tool to include information about local partners, such as the Office of Consumer Protection (OCP). By updating our tool, we can ensure that the information we are sharing is up to date so that victims can get the most useful assistance possible. We also work to ensure that our materials are in line with whatever our partners are telling victims.

One of the best pieces of the legal clinic model is the check-out table, where participants meet with clinic staff/volunteers to go over instructions about what to do with each document that was drafted for them. They also receive color-coded handouts that we attach to each form, which serves as a written summary for participants after a long day of drafting. We have updated all of our check-out resources and created new ones that were missing beforehand.

These efforts will help ensure that our services are more effective and that any and all efforts to end financial exploitation, abuse, and/or neglect are followed through on. It does no good to revoke a POA if the victim doesn't share the revocation with the proper parties.

We have started drafting a new brochure for the Senior Defense Grant which will advertise all of the great services offered by our program and let victims know about the SDG as a resource. While previous brochures have focused on financial exploitation, this new one focuses on the SDG as a whole and the resources we offer for victims of exploitation, abuse, and neglect.

This quarter, it was discovered that the Legal Services Developer Program (LSDP) had a duplicate webpage. Every time we updated a link or added a resource, it would update one page but not the other. When this was discovered, we worked with tech services to delete the duplicate page and to make sure all the updates and changes that we had been making ended up on the right page. Now, when victims search for the LSDP, they should find a more accurate and succinct webpage. We are also working on drafting an information page about the Senior

Figure 5: In the Fog, Blackfoot Clearwater WMA, Seeley MT



Defense Grant for the webpage. We realized that the grant is not discussed on our webpage, making us a less obvious resource for victims. Once the resource we will be linking to are finalized, we will post an informative section about the SDG on our webpage.

The SDG staff updated our Will document to include language about setting up a Special Needs Trust. When we draft a Will, it is difficult to forecast whether a beneficiary will be on public benefits at the time of their inheritance, which could end up kicking them off certain benefits. To address this issue, we have included language that would require the Personal Representative to set up a Special Needs Trust for any beneficiary that would be negatively affected by receiving an inheritance. In this way, the Personal Representative has the power and permission to set up such a trust if it is needed, but they don't have to go to the effort if it is not necessary.

Finally, we have drafted a tool that will help seniors add medical information and emergency contacts to their cell phones. It is now possible to add medical information that rescuers can access without unlocking their phones. In this way, if a senior is unconscious or otherwise unable to respond to rescuers or unlock their phone, important medical information can be accessed. We are exploring the best format for this tool, but we expect it will be printed as a laminate handout, unless we receive other suggestions.

Training Our Lunchtime Training Series is ongoing, as we host a new training almost every week. Most trainings relate directly to the victimization of seniors, but some are more loosely associated with victimization, focusing on other issues faced by seniors. All trainings still include information on victimization and how to report to the SDG. The trainings we have hosted this quarter are:

- “How to be a Good Agent” by Richard Heitstuman
- “Guardians in Montana with the Yellowstone County Guardianship Council” by Morgan Dake and Becky Wiehe
- “The Falls Prevention Program” by Melissa Dale
- “The Arthritis Program” by Melissa Dale
- “The Foster Grandparent Program” by Angela Nelmark
- “Money Mule Scams” by Richard Heitstuman (this training was previously recorded but the file was corrupted, so we re-recorded this quarter)
- “The Lifetime Respite Program” by Vicki Clear
- “The Senior Companions Program” by Kelley Moody
- “Special Needs Trusts” by Stefan Kolis
- “Office of Consumer Protection: Contractor Scams” by Hugh Grant (this training’s recording did not work, so it will need to be re-recorded in the future)

We also used this quarter to look at the efficacy of our training efforts. Firstly, we reformatted our training page so that each link looks the same with regards to format and all speakers are identified. It was our hope that an easier-to-navigate training page would facilitate victim advocates getting the training that they need in the most efficient way possible. We also looked at the “Working with Older Adults” trainings that we host in conjunction with our clinics. Professionals from the SDG met with APS workers to discuss what we train on, how we can improve our training, and how we can improve our testing. We are currently working on adding more information about guardianships and we are drafting new testing forms to go along. Once these are finalized, we will apply for accreditation for CLEs (Continued Legal Education), CEUs (Continued Education Units), and NCHs (Nursing Contact Hours).

Updates on Sponsors

As previously mentioned, we were not able to ask for as much funding for 2024 and 2025, which means we will be relying more heavily on sponsorships from partners.



Figure 6: A Cold Campsite, Blackfoot Clearwater WMA, Seeley MT

We are happy to report that AARP MT is still on board and will provide financial assistance for future grant cycles in addition to the funds they are already providing. Their sponsorship has always been very important, as they help us cover costs that VOCA funds can't, and their assistance will be even more critical in the future.

Another important partner for the grant is Montana Legal Services Association. Not only does MLSA provide volunteers for our clinics, Barb Harris w/ MLSA is one of our "Working with Older Adults" trainers, a member of our Advisory Committee, and an important resource for victims who need more representation than our program can provide. MLSA has received a grant and has included funding to partner with the LSDP.

Finally, the Bank of the Rockies has provided monetary support for future clinics. They have been partners historically when we host a clinic in a location with a BOR, but this marks the first time they have been a blanket sponsor of the program. Big thanks to them and to Jennell Huff for all her assistance in securing the sponsorship.

The State of Affairs

Hopefully you have all heard about the recent Medicare breach, but in case you haven't, a third-party vendor was hacked and over 250K Medicare recipients' information was compromised. Medicare has automatically canceled the Medicare cards of anyone who was affected and has sent out new cards. Those that are affected are eligible for credit monitoring as well. Affected individuals will receive a letter in the mail detailing the breach and how to sign up for credit monitoring.



Figure 7: On the Lookout for Bears, Blackfoot Clearwater WMA, Seeley MT

Another noteworthy event that happened this quarter is the prosecution of Jen Shah, an apparent celebrity who appeared on the “Real Housewives of Salt Lake City,” a show that focuses on the opulent lifestyles of the ultra-rich. It turns out Shah was enjoying the benefits of ill-gotten gains. She pleaded guilty to wire fraud in a telemarketing scheme that targets seniors. The scheme offered bogus financial services and products, but delivered “little to no value,” by Shah’s own admission. She and her partner were also keeping lists of vulnerable “targets” which they then sell to competitors. Shah will be required to forfeit \$6.5 million and pay restitution of up to \$9.5 million. She also faces up to 14 years in prison.

Pro Tip = Strategies for avoiding scams

Whenever you receive correspondence from Medicare (or any other government agency) and you are unsure of the validity, it is a good idea to look up the issue or agency. For example, if you received a letter in regards to the most recent Medicare data breach, you could google “Medicare data breach” and find a litany of stories about the event. It is also a good idea to look up the organization yourself and call the number you find, not the one listed on the letter (or whatever medium they use to contact you).

Finally, if someone contacts you offering a service, product, or opportunity that sounds too good to be true, it is. Nobody is going to contact you to offer you something truly beneficial. If whatever they are selling was legitimate, they wouldn’t have to cold call to find customers.



Figure 8: Waiting through the Rain, Blackfoot Clearwater WMA, Seeley MT

Until Next Time That’s all for now. The next newsletter will be sent out in April of 2023. If you need to contact the Senior Defense Grant for any reason, you can reach out to the Project Coordinator, Richard Heitstuman, at 406-417-8648, Richard.heitstuman@mt.gov, or you can call the Legal Services Developer, Katy Lovell, at 406-444-7787.