

Preventing Elder Financial Exploitation:

How Banks Can Help

A training manual to be used in conjunction with the video of the same name to teach bank employees how to recognize and report elder financial exploitation.

Kentucky Cabinet for Health and Family Services

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Training Agendas

The purpose of this manual is to provide you with the materials you need to train bank employees in how to recognize and report possible elder financial exploitation.

Once you have reviewed the accompanying video, you can choose from the two sample training agendas that follow. Please contact Adult Protective Services (APS) staff, and together design an agenda to fit your needs.

To locate the APS office nearest you, log on to http://cfc.ky.gov/office_phone_list.asp and choose your county from the drop down menu, or look in the white pages of your telephone directory under "Kentucky, State of," for the entry "Cabinet for Health and Family Services" or "Department for Community Based Services."

The basics of your training should include:

- A** The accompanying video.
- B** The phone number of the local APS office in your area.
- C** Your bank's protocol for detecting and reporting suspected elder financial exploitation along with any required forms and other documents/tools.

Video: **"Preventing Elder Financial Exploitation:
How Banks Can Help."**

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Six Scenarios in the bank setting. (Pages 13-14)

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Sample training agenda for tellers/personal service representatives and other banking employees – Approximately 1.5-hour session.

Recognizing and Reporting Possible Elder Financial Exploitation



Time	Speaker	Topic
6:30 – 6:35	Banker	Introductions
6:35 – 6:45	Banker	Background/Training Goals
6:45 – 7:05	APS Video	(How Bank Employees Can Recognize and Report)
7:05 – 7:20	All	Questions/Discussion; Description by Bankers and APS of Actual Local Situations/Responses
7:20 – 7:30	APS	Red Flags
7:30 – 7:40	Banker	Bank Protocol for Reporting
7:40 – 7:50	APS/Dept. of Justice	Investigation/Role of APS and DOJ
7:50 – 7:55	Banker	Using Teller Card, Brochures
7:55 – 8	All	Question and Answer/ Wrap Up

Make copies of pages from manual and give to each attendee.

***Suggested Agenda for Bank Employee Training –
Approximately 30-minute session.***

Recognizing and Reporting Possible Elder Financial Exploitation

8 – 8:30 a.m.

- Invite Adult Protective Services staff to a bank employees' meeting. Give copies of manual pages (including Teller Card) and bank protocol/reporting documentation to each attendee.
- Explain why employees need to know about financial abuse of the elderly. Introduce APS representative(s) who will explain APS' role.
- Show video or excerpts from the video.
- Question and Answer session.

Note: This short training can be offered to various bank sections such as tellers, security officers and managers.





What Is Financial Exploitation?

Financial exploitation is the illegal or improper use of another person's resources for personal profit or gain. Also called fiduciary abuse, economic abuse, and financial mistreatment, this type of exploitation encompasses a broad range of conduct.

How Does this Occur?

A vulnerable adult can be exploited in three ways:

1. without the elder's consent;
2. by trickery, intimidation or coercion; or
3. when the elder is too confused to give informed consent.

Data

According to national data, elder abuse is primarily a "family problem" with perpetrators most likely to be:

- adult children of the victim (47%),
- spouses (19%),
- grandchildren (9%), or
- other relatives (9%).

The most common types of abuse are:

- neglect (49%),
- emotional/psychological (36%),
- financial/material exploitation (30%), and
- physical (25%).

An estimated half-million elders were abused, neglected, or exploited nationwide in 2000. About 5,000 cases were reported in Kentucky in 2002.

Only about one in five of these crimes is ever reported to Adult Protective Services or the police.

Types of Exploitation

Financial exploitation of elders can generally be classified in two broad categories:

- exploitation by a person known to the victim; or
- exploitation by a stranger.

Examples of exploitation perpetrated by a family member, acquaintance, person acting with power of attorney or court-appointed fiduciary include:

- **Misappropriating income or assets**

The perpetrator obtains access to an elder's social security checks, pension payments, checking or savings account, credit card or ATM card, or withholds portions of checks cashed for an elder.

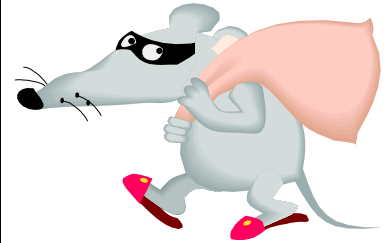
- **Charging excessive rent or fees for services**

The perpetrator charges an elder excessive rent or unreasonable fees for basic care services such as transportation, food, domestic services (such as housecleaning and lawn maintenance) or medicine.

- **Obtaining money or property by undue influence, misrepresentation or fraud**

The perpetrator improperly or fraudulently uses the power of attorney or fiduciary authority to alter an elder's will, borrow money using an elder's name or dispose of an elder's assets or income.

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Examples of exploitation perpetrated by a con artist, unscrupulous salesman/contractor or a person representing a bogus charity.

- **Bank Examiner scam**

The perpetrator represents him/herself as a bank examiner and convinces an elder to make a large withdrawal to help catch a dishonest bank employee.

- **Fake accident ploy**

The perpetrator convinces an elder that the elder's child has been seriously injured or is in jail and needs money for medical treatment or bail.

- **Telemarketing and mail fraud**

The perpetrator persuades an elder to buy a valueless or non-existent product, donate to a bogus charity or invest in a fictitious enterprise.

- **You've just won a prize!**

The perpetrator tells an elder that he/she has won a non-existent prize and obtains the elder's credit card or checking account number to pay for shipping and handling charges or to verify the elder's identity.

- **Unsolicited work**

The perpetrator arrives unexpectedly at an elder's residence and offers to perform work for a reasonable fee. After starting the work, the perpetrator insists that the elder pay more than originally agreed before the work will be completed – perhaps even threatening the elder with legal action if the elder does not agree to pay.

Red Flags

- Bank activity that is erratic, unusual or uncharacteristic of the older person.
- Bank activity that is inconsistent with the older person's ability (e.g., the person's automatic teller card has been used by a homebound elder or an elder in out-of-home care).
- Recent, new acquaintances, particularly those who take up residence with an older person and/or who accompany the elder to conduct bank business.
- Changes in the older person's property titles, will or other documents, particularly if the person is confused and/or the documents favor new acquaintances.
- A power of attorney executed by a confused older person.
- Lack of amenities when the older person can afford them.
- Missing property.
- Suspicious activity on credit cards, line of credit accounts.
- Forged or suspicious signature on documents.
- Failure to receive services that have already been paid for.
- The older person is being evicted or having his/her utilities disconnected.
- The older person is uncared for or the residence is unkempt when arrangements have been made for providing care and services.



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- Untreated medical or mental health problems – frequent physical injuries, including bruising, burns and cuts.
- The older person's documents (e.g. pensions, stocks or government payments) are missing.
- The older person's mail has been redirected to a different address.

Financial exploitation may also be occurring if the older person is:

- Unaware of or does not understand recent completed financial transactions.
- Being isolated by others.
- Accompanied by a stranger who encourages him/her to make large cash withdrawals.
- Accompanied by a family member or other person who seems to coerce the elder into conducting transactions.
- Not allowed to speak for him/herself or make decisions.
- Nervous or afraid of the person accompanying him/her.
- Giving implausible explanations about what he/she is doing with his/her money.
- Concerned or confused about missing funds in his/her accounts.
- Fearful he/she will be evicted or institutionalized if money is not given to the caregiver.

Other Warning Signs

- Frequently forgets items such as personal effects (purse, wallet, coat, umbrella) and items necessary to do business (checkbook, deposit slips, and so forth).
- Frequently asks the same question over a short period of time.
- Noticeable changes in appearance and grooming.
- Disorientation – a person may come to the bank when it is closed or have difficulty finding the bank or, once inside the bank have difficulty remembering why he/she is there.
- Paranoia – accusing employees of mismanaging money (charges that require review by a professional agency to determine whether they have merit or are distortions of reality.)
- Hoarding behavior, such as carrying all their papers and/or valuable items in large bags all the time.
- Brings strangers with them to the bank.
- Unusual withdrawals.
- Changes in mood.
- Changes in stance or mobility.
- Changes in eye contact and vocal qualities (such as stammering, whispering, and brief answers, when these qualities are different from the elder's normal manner of speaking.)
- Changes in physical distance between the elder and the bank employee.
- Cringing or withdrawing.

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- Sudden expressions of fear.
- Reluctance to engage in normal conversation.
- Nervousness or fear of the person accompanying the elder.
- Seeming to be not permitted to speak for him/herself.

On-Site Response

What does the front-line bank employee do when confronted with a situation involving elder financial exploitation? This is where good training and an effective, established protocol pay off.

The accompanying video illustrates six scenarios and responses:

Scenario #1

Situation: Daughter-in-law uses elder's ATM card without permission.

Response: Teller took ATM card from perpetrator and reported to supervisor. Supervisor contacted customer and then contacted Adult Protective Services.

Scenario #2

Situation: Caregiver asks bank to grant her power of attorney.

Response: Customer Service asks elder about her wishes, tells caregiver that the bank will not comply with the request and contacts a supervisor. Supervisor contacts Adult Protective Services. APS asks bank to activate a hard hold on the account. Bank alerts other branches.

Scenario #3

Situation: Elder withdraws large amounts of money to 'purchase' lottery winnings or claim a prize.

Response: Teller questions elder then contacts supervisor. Supervisor contacts the Department of Justice.

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Scenario #4

Situation: Two suspicious men attempt to get an elder to withdraw a large amount of cash.

Response: Teller questions the elder, then contacts supervisor. Supervisor asks elder to speak with her alone. Teller takes photo of perpetrators and notes date/time. Police are notified.

Scenario #5

Situation: Elder discovers funds missing from bank account.

Response: Bank phone center employee calls APS.

Scenario #6

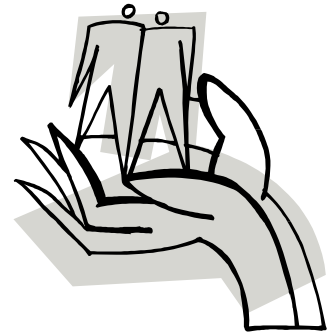
Situation: Grandson wants to establish joint account without elder being present.

Response: With nod from Security Officer, teller allows grandson to take signature card home to customer.

Teller Response Steps

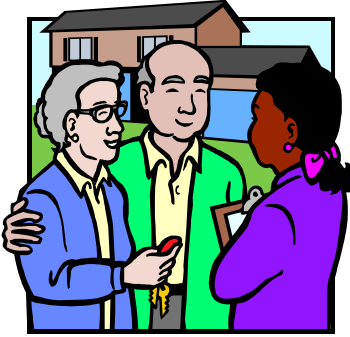
The following steps are suggested to help bank tellers determine if questionable transactions should or should not be processed.

- The teller should learn the reason for large transactions or frequent withdrawals. If the withdrawal is unusually large for the elder, ask the elder, not the person accompanying him/her, the reason for the change in activity. IF the elder is prevented from answering, this may be a sign of financial exploitation.
- The teller should check authorization and documentation to act for the elder. It is common for people who commit financial exploitation to exaggerate about their authority to act for an elder. The suspect may claim to be helping the elder out or may explain that the elder is unable to visit the bank in person. It is important to check all documentation including signature cards, guardianship and Power of Attorney to be sure that the person claiming to act for the elder has the authorization to do so.
- The teller who suspects fraud should contact a supervisor immediately. Together, the supervisor and teller can review the account history, the pattern of transactions and the transaction in question to determine if the transaction should be processed, stopped or reported to bank security.
- The teller may choose to explain to the elder that a supervisor must review large or unusual transactions.



From the Pennsylvania Department of Aging

Supervisor Response Steps



The following steps are suggested to help bank supervisors determine if questionable transactions should or should not be processed.

- The supervisor should separate the customer from any companion so that the supervisor is able to speak with the elder alone. The elder who is prevented from speaking for him/herself is a potential fraud victim.
- The supervisor should notify bank security of a questionable transaction, or if the elder is thought to be in immediate danger, the supervisor should immediately notify local law enforcement. The supervisor may suggest that the elder customer speak with the bank security official who can explain the reasons for the delay in processing the transaction.
- The supervisor and security official should complete a written report to be filed with protective services and/or local law enforcement. The report should contain as much detailed information as possible about the circumstances, the suspect and the elder. Sample forms can be found in this manual.

From the Pennsylvania Department of Aging

Fraud Alert

Attention: As part of our customer service, we ask you to read and sign this form before you withdraw cash from your account.

Consumers lose millions of dollars each year to people who appear to be friendly but who are scheming to take advantage of you.

Please consider the following questions before you withdraw funds in the amount of \$ _____ from your account. The answers to these questions will help you determine if you might be the victim of a swindler.

- Has a stranger asked you to withdraw your money for any reason?
- Has anyone befriended you and is now asking you to put up money to share cash or valuables?
- Has anyone asked you to withdraw money to help with a criminal investigation?
- Has someone told you that you need home repairs and asked for immediate cash payment?
- Have you been pressured or threatened by a stranger, friend or family member for money or for access to your bank accounts?

If the answer to any of these questions is "yes," it is likely that you are about to be swindled. You may never see your money again. **Would you like to talk with an official from this bank? Yes: _____ No: _____**

Remember: Swindlers are nearly always friendly and have honest faces or pleasant voices. This is how they gain your trust.

I have read and understand the above statement.

Customer: _____

Date: _____

Bank Representative: _____



Employee Response:

Action Steps

1. Learn the reason for large transactions or withdrawals.
2. Check the authorization and documentation to act for elder customers.
3. Provide the crime/financial exploitation alert form.
4. Get photographic evidence (and be able to describe the suspect).
5. Consult with security at any time.
6. Ask the elder to speak with security.
7. Notify security or police AT ONCE if you believe the elder is in immediate danger.

Remember:

- Time is the enemy of the financial exploiter. Delaying a suspicious transaction may “rattle” the perpetrator enough to cause him/her to abandon the scam.
- Justify your concern and emphasize the bank’s commitment to protecting customers.
- Empathize with the customer and validate his/her feelings.
- Ask clear, non-threatening, factual questions.
- Tell elders they are not alone (people are often reluctant to reveal exploitation, embarrassed that they are the only victim of such scams and fraud).

- Don't say that you are concerned simply because the customer is elderly – cite deviations in the customer's standard transaction patterns, changes in mood/appearance, and so forth that concern you.
- Don't let anyone else speak for the elder. This is a 'red flag' that something is wrong.

From the Massachusetts Bank Reporting Project





How to Report

It is advisable for each bank to establish a written reporting protocol. The protocol should include the following:

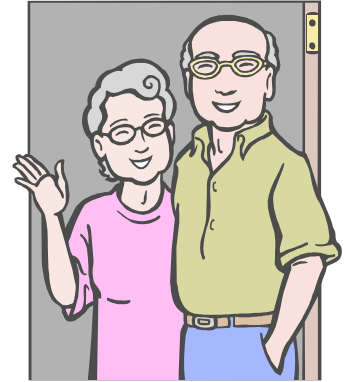
1. When the teller has a concern, who and when should they tell?
2. Who will make the report to the state/local agencies?
3. What is the role of the bank's Security Officer?
4. What information should be gathered and provided to the state/local agency (e.g., names, account numbers, dates, times, descriptions of suspected perpetrators)?

Note: The bank staff does not need "proof" that elder financial exploitation is occurring. Suspicion, not proof, is adequate and an acceptable standard. It is the job of Adult Protective Services and/or law enforcement to investigate and determine if exploitation is occurring.

The more quickly a report is made, the faster the "bleeding" can be stopped.

Bank Reporting Procedures

In cases of suspected exploitation by a person known to the victim, reports should be made to a designated protective services agency. In cases of suspected exploitation by a scam, reports should be made to the Department of Justice. When an emergency situation arises or there is a present and obvious violation of the law occurring in the financial institution, an immediate report should be made directly to the local police.



Suggested Reporting Procedures for Financial Institutions

- Employee or branch manager makes an internal report to security or designated senior officer of suspicious circumstances as soon as possible – employee does not contact authorities directly.
- Security officer or designated senior officer reviews elder abuse report, determines whether or not reasonable cause exists to believe that exploitation is occurring and documents report for the financial institution's records.
- Security officer or designated senior officer makes an oral report of suspected abuse to designated protective services agency as soon as possible.

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- Oral reports should include the name, age or estimated age, address and telephone number of the elder; name, relationship and address of suspect if known; description of the suspect and the suspicious circumstances; bank name, branch address and name of employee who made the initial referral; and the names of other agencies or authorities involved. Security officer or designated senior officer should alert other bank branches about instances of suspected financial abuse.
- Security officer or designated senior officer may also choose to submit a written report to the designated protective services agency after oral notification.

Sample Elder Abuse Reporting Form

For Internal Use Only

Name of Employee: _____

Date: _____ Time: _____

Branch Location: _____ Phone Number: _____

Reason for Report: (provide as much descriptive detail as possible. Attach a separate sheet if needed.) _____

Name of Customer: _____

SSN: _____ Phone Number: _____

Address: _____

Date of Birth: _____ Male Female

Language spoken, if not English: _____

Bank Relationships: _____

Account Number: _____ Type: _____

Branch of Assignment: _____

.....

For Security Department Use Only

Date Report Received: _____ Reviewed By: _____

Action Taken: _____

Report forwarded to (if applicable): _____

From Massachusetts Bank Reporting Project

Sample Manager's Report Form for Suspected Elder Financial Exploitation

Bank Information

Name of employee initiating report: _____

Branch: _____ Department: _____

Date/time of incident: _____

Customer Information

Name: _____ Phone: _____

Address: _____

Date of Birth: _____ Social Security Number: _____

Describe anyone who accompanied the customer: _____

Describe vehicle, if applicable: _____

If the customer was not present, describe the person attempting the transaction and provide as much of the following information as possible:

Physical Description: _____

Name: _____ Phone: _____

Address: _____

Account Information

Describe any inconsistency(ies) with customer's usual transaction patterns and any comments or restraints placed on the account. (Do not include actual balances or specific transaction amounts): _____

Account name: _____ Account type: _____

Report filed with (check one):

Corporate security Protective services (local agency) Local police

Date report was filed: _____

Attach copy of police report if possible

From the Pennsylvania Department of Aging

Other Ways Banks Can Help

- Develop and distribute educational materials alerting customers to scams and how to recognize the potential for exploitation.
- Conduct senior seminars or other presentations on elder exploitation
- Generate media attention highlighting financial exploitation.
- State apprised of current trends in financial abuse and techniques for stopping it.
- Sensitize employees to abuse so they can recognize it and report it.
- Train customer service specialists in techniques for interviewing older customers.
- Offer older customers safe banking services designed to meet their special needs.
- Conduct regularly scheduled visits and limited banking services at places convenient to older people, including seniors' centers and housing providers.
- Take a proactive approach to developing new procedures and product lines, including:
 - √ mechanisms for detecting unusual account activity,
 - √ alerts on accounts,
 - √ procedures for verifying suspicious transactions, and
 - √ protected accounts for seniors.





More Ideas

- Print copies of the Teller Card. One side faces the teller, one side faces the customer.
- Print copies of brochures for elder customers. Place your bank's logo and contact information on the brochure.
- Post fliers and posters.
- Train bank's community relations staff to conduct elder financial abuse seminars for presentation to civic groups, faith-based groups, neighborhood associations, elder residential community groups and other appropriate audiences.
- Partner with others in your community to plan and sponsor these events.
- Promote public awareness of elder financial exploitation with special local news advertising or by sponsoring information distribution efforts at local events; have bank officers appear on local television/radio talk-format programs to discuss the topic of elder financial abuse; and work with local watchdog groups, such as CrimeStoppers, to sponsor local public awareness campaigns.

Combating Elder Financial Exploitation

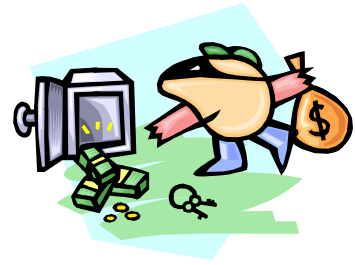
While the role of bank employees in detecting, reporting and preventing elder financial exploitation is limited to the victims' and potential victims' relationships with the financial institution, basic knowledge of how to combat financial exploitation is an asset to your customers, yourself, your family, friends and others with whom you associate on a personal and professional basis.

The following information may come in handy and is a valuable tool for any financial institution employee to possess.

What might help?

- Power of attorney
- Representative payee
- Bill paying programs
- Direct deposit
- Joint bank accounts
- Advance directive for health care
- Living trusts and life estates
- Case management
- Conservatorship
- Guardianship
- Civil or criminal action for recovery
- Multidisciplinary teams
- Public education for older adults, their families and the community
- Training programs for professionals

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Remember: Some of these tools (particularly powers of attorney) can be part of a financial exploitation scam.

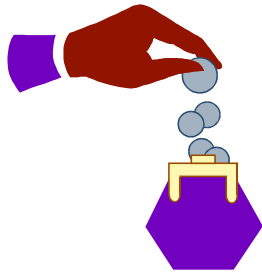
Who might help with information or hands-on assistance?

- Family
- Friends, neighbors and volunteers
- Health care providers
- Attorneys, including the Senior Law Project
- Law enforcement
- Department of Justice/Medicaid Fraud
- Financial institutions
- Non-profit agencies
- The media
- Government agencies
- Senior centers
- Case managers
- AARP
- Community/senior advocacy groups
- Faith-based organizations

Good Financial Practices for Your Elder Customers

- Use direct deposit for your checks.
- Do not leave money or valuables in plain view.
- Sign your own checks. Do not sign “blank checks” and allow another person to fill in the amount. (If you need help writing out checks before you sign, ask a third party to review the checks and take it to the bank for you.)
- If someone is helping you with managing your finances, get a trusted third person to review your bank statements.
- Do not sign any document without reading it carefully. You may also want to ask a trusted third party to review any documents you are asked to sign.
- Do not sign any agreement until it has been reviewed by a trusted third party – a friend or other advisor, or an attorney. If possible, have two other people look over such agreements before you sign.
- Do not lend money in return for a general promissory note.
- Do not sign over money or property to anyone in return for care, even a family member or friend, without having the agreement in writing and reviewed by an attorney. Give someone else a copy of the agreement for safekeeping.
- Do not allow anyone, even a relative, to put his/her name on your account without your express consent. Your bank can set up a separate account in both your names with automatic transfer of limited funds.





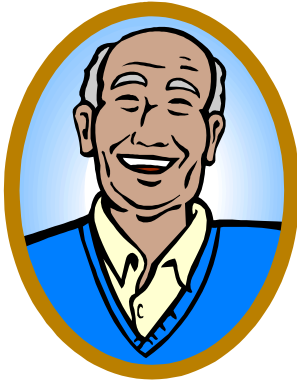
Safety Tips for Using Automatic Teller Machines (ATMs)

- Do not allow anyone else to use your ATM card.
- Cancel your ATM card if you do not use it.
- Do not give anyone your Personal Identification Number (PIN).
- Do not use an easily detectable PIN (birthdates, social security numbers, etc.)
- Check bank statements carefully for unauthorized withdrawals.
- Be cautious when using an ATM at night.
- Do not use a poorly lit ATM. Poor lighting is a danger sign, as ATMs are designed to be brightly lit for your safety. Report poor lighting at an ATM to your bank.
- Be aware of people around you as you use the ATM. Don't allow others to look over your shoulder or watch as you enter your PIN.
- Put away your money safely before exiting the ATM area.
- Look around as you exit the ATM area. Do not leave if you do not feel safe.
- Do not open the door of an enclosed ATM area to anyone without a card.

Planning Ahead

- Establish relationships with personnel at your bank.
- Cultivate friends of all ages so you maintain a strong support network.
- Become familiar with resources in your community that are designed to help older people and their families.
- Execute a power of attorney that will grant financial decision-making power to a trusted friend, relative or attorney. Know the person to whom you are granting this authority. A power of attorney can be as limited or as broadly defined as you wish and can be revoked at any time. The specific “powers” given to this person should be detailed in writing. Give your bank a copy.
- Consider a durable power of attorney that will remain in effect even if you become incapacitated.
- Consider a trust, a legal arrangement whereby a person or financial institution manages assets for you.
- Put all financial instructions in writing. Be specific.
- Keep accurate and complete financial records of all transactions.
- Gather all important documents together (wills, deeds, insurance policies and bank account information). Tell someone you trust where these documents are kept.





Personal Safety

- Be aware of the risks of living with a person who is a substance abuser or has a history of violence. Have a plan to keep yourself safe, and explore different housing options available to you.
- Keep up with your friends.
- Keep control of your own phone.
- Open and post your own mail.
- If you or someone you know is over 18 and a victim of abuse, call your local adult protective services agency.

Avoid Scams

- If a deal seems too good to be true – it probably is!
- Never let yourself be rushed into a “deal”. This usually means the person is up to no good. Ask for details in writing and time to review them with a trusted friend, advisor or attorney. If someone who is trying to sell you something or make a deal with you is reluctant to have you consult a third party before deciding, it’s a good sign the “deal” may be a scam.
- Never give out credit card numbers over the phone unless you placed the call.
- Never give out your social security number or bank account number over the phone. The bank will NEVER phone you to ask for this information.
- As a rule, do not have work done on your home by companies or individuals who contact you and offer deals.

- Do not pay for work in advance.
- Check references, telephone numbers and home addresses.
- Contractors must be licensed by law. Check license numbers.
- Questions? Call the Attorney General's Consumer Protection Division: (502) 696-5389.





Resources

On the World Wide Web

- Kentucky Cabinet for Health and Family Services
Elder Abuse Awareness Web site
<http://cfc.ky.gov/elderabuse/>
- National Center on Elder Abuse Web site
<http://www.elderabusecenter.org/>
- "Can Bank Tellers Tell? Legal Issues Relating to Banks Reporting Financial Abuse of the Elderly"
© American Bar Association 2003
View or download from the National Center on Elder Abuse Web site
http://www.elderabusecenter.org/pdf/publication/bank_reporting_long_final_52703.pdf

Report It!

- Elder Abuse Hotline - Report It!
1-800-752-6200

Train Frontline Employees

- Contact the Kentucky Cabinet for Health and Family Services' Adult Protective Services office to help you plan a training program for your employees.
1-502-564-7043

Kentucky Revised Statutes Regarding Reports of Elder Abuse

KRS 209.030(2) Rules and regulations — Reports — Cabinet actions.

Any person, including, but not limited to, physician, law enforcement officer, nurse, social worker, cabinet personnel, coroner, medical examiner, alternate care facility employee, or caretaker, having reasonable cause to suspect that an adult has suffered abuse, neglect, or exploitation, shall report or cause reports to be made in accordance with the provisions of this chapter. Death of the adult does not relieve one of the responsibility for reporting the circumstances surrounding the death.

KRS 209.050 Immunity from civil or criminal liability.

Anyone acting upon reasonable cause in the making of any report or investigation or participating in the filing of a petition to obtain injunctive relief or emergency protective services for an adult pursuant to this chapter, including representatives of the cabinet in the reasonable performance of their duties in good faith, and within the scope of their authority, shall have immunity from any civil or criminal liability that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report or investigation and such immunity shall apply to those who render protective services in good faith pursuant either to the consent of the adult or to court order.

KRS 209.140 Confidentiality of information.

All information obtained by the department staff or its delegated representative, as a result of an investigation made pursuant to this chapter, shall not be divulged to anyone except: (1) Persons suspected of abuse or neglect or exploitation, provided that in such cases names of informants may be withheld, unless ordered by the court; (2) Persons within the department or cabinet with a legitimate interest or responsibility related to the case; (3) Other medical, psychological, or social service agencies, or law enforcement agencies that have a legitimate interest in the case; (4) Cases where a court orders release of such information; and (5) The alleged abused or neglected or exploited person.

KRS 209.020(14) Definitions for chapter.

“Access to records” means that any representative of the Cabinet for Families and Children actively involved in the conduct of an abuse, neglect, or exploitation investigation under this chapter shall be allowed access to the medical, mental, health, and financial records of the adult that are in the possession of any individual, hospital, firm, corporation or other facility, if necessary to complete the investigation mandated in this chapter; ...



Kentucky Cabinet for Health and Family Services

Adapted for Kentucky use from the Bank Employee Training Kit developed by the Oregon Department of Human Resources/Senior and Disabled Services Division;
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