

**Opening Statement  
Senator Susan M. Collins  
Senate Aging Committee**

“Trust Betrayed: Financial Abuse of Older Americans by Guardians and Others in Power”

November 30, 2016

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Good afternoon. Earlier this year, an attorney in the small coastal city of Belfast, Maine, was sentenced to 30 months in prison for bilking two elderly female clients out of nearly a half a million dollars over the course of several years.

The lawyer's brazen theft was uncovered when a teller at a local bank noticed that he was writing large checks to himself on his clients' accounts. When confronted by authorities, he offered excuses that the prosecutor later described as "breathtaking." For example, according to press reports, he put one of his clients into a nursing home to recover from a temporary medical condition, and then kept her there for four years until the theft of her funds came to light. Meanwhile, he submitted bills for "services," sometimes totaling \$20,000 a month, including charging her \$250 per hour for six to seven hours to check on her house, even though his office was just a one-minute drive down the road.

Another tragic case of theft and abuse of an elderly woman was brought to light in an article last weekend by the Maine Sunday Telegram. The article detailed the story of an elderly woman from Los Angeles, California, who went missing in 2008. In 2012, authorities found her, alive but not healthy. She had been abandoned in a tiny cabin in Maine by three people who had "befriended" her years earlier. After gaining the woman's trust, and control of her finances, these criminals sold her house and stole her money. Today, this 90- year-old woman is a ward of the state and lives in a nursing home in rural Maine - thousands of miles away from the life she used to know.

These Maine cases represent shocking breaches of trust. But as this Committee knows - and as we will hear further today - financial abuse of seniors by those they trust is far too common. Sometimes, that abuse is perpetrated by "friends" or family members who are handling the victim's affairs informally. Other times, the abuse is committed under color of a fiduciary relationship, such as a Power of Attorney in the Maine cases, or what's known as a conservatorship or guardianship.

One would hope that this abuse would be unusual where guardians or conservators are involved since these fiduciaries are formally appointed and overseen by state courts. But experience has shown that this is not always the case.

In a 2010 report, the GAO identified hundreds of allegations of abuse, neglect, and exploitation by guardians. We also learned that a key challenge to combatting this abuse is the lack of clear data on guardianships and inconsistent oversight of the guardianship process.

That is why, last year, I joined with Ranking Member McCaskill in asking the GAO to update its analysis to help us understand the extent to which our seniors remain at risk of financial exploitation by guardians, and what is being done to protect them. This issue continues to be of interest to other members of our Committee, including Senator Hatch, who joined as a co-requestor of the report. GAO's work shows that progress is being made, but much more needs to be done to put best practices in place to oversee guardians and create the tools needed to uncover potential abuse in time to stop it. Seniors in need of assistance to manage their financial affairs should not have their trust betrayed, leaving them destitute in some cases. Guardians should be protecting vulnerable seniors, not stealing from them.

I thank our witnesses for appearing before us today, and I look forward to discussing this important topic.

I will now turn to Ranking Member McCaskill for her opening statement.

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