

This Weekly Newsletter  
is brought to you by

**HOOK LAW CENTER**  
*Legal Power for Seniors*

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## Exploitation of the Elderly - the Virginia Response

Possibly you have read about Elder Abuse in various publications. Unfortunately, it is a real phenomenon. Abuse can occur in physical forms or financially. Well, Virginia just might be ahead of the curve in this matter. The Virginia General Assembly, backed up by the Virginia State Crime Commission, plans to advocate for new laws to prevent financial exploitation of the elderly or mentally incapacitated in the 2013 session. Previous efforts in past sessions had failed. What makes this time different?

This time there is the backing of the Virginia State Crime Commission which could prove to be critical in convincing reluctant legislators. With their help, there are now statistics just how big a problem there is with financial abuse. There have been laws on the books about financial abuse, but they really didn't cover the circumstances where a seemingly-competent adult is taken advantage of. For example, in Henrico County (around Richmond), an elderly man with Alzheimer's was taken to a bank by a female acquaintance to withdraw money. She then dropped the man off at a motel overnight while she went on a shopping spree. Then the following day, she took him to a jewelry store to supposedly buy an engagement ring. She eventually was caught when she took him to a Social Security office to have his payments switched to her. There wasn't enough evidence to prove financial exploitation, because the victim was there and had given his consent. But it was so obvious that abuse had occurred that the judge gave the perpetrator jail time, even though she was only technically convicted of a misdemeanor for the neglect of abandoning the victim at a motel.

This is only one example of a growing problem. Information gathered by the Department of Criminal Justice Services reveals that, in Virginia, from 2001-

## **Exploitation of the Elderly - the Virginia Response (con't.)**

-2007, the number of total financial crimes rose 8.6%. However, for victims over age 65, the increase was 18%. What's more alarming is that the majority of perpetrators of these types of crimes are known to the victim--a caregiver or family member. Gail Nardi, Adult Services Program Manager of the Virginia Department of Social Services, reports that in many cases, a son or daughter gains ownership of the family home through means that are at best questionable.

Any new law that is passed will have to require that there is a finding of the victim being mentally incapacitated. The law cannot be so broad that it captures innocent recipients of gifts from the elderly, but it must be specific enough, that if a person is mentally incapable of looking out for his/her own affairs, he/she is not unfairly taken advantage of. The heirs may not like what their parent does with his/her money, but if they are competent, the parent can dispose of money as he/she sees fit. This law will help raise awareness about the plight of the elderly who are incompetent. Stay tuned to see what the Virginia General Assembly does in the 2013 session!

(Information taken from "Lawmakers to target exploitation of elderly,"

<http://valawyersweekly.com/2012/12/27/lawmakers-to-target-exploitation-of-elderly/>)

### **Upcoming Events**

■ Hook Law Center is presenting a seminar on Long-Term Care, Estate and Life Care Planning and Veteran's Benefits at Centerville Baptist Church on **January 17, 2013 at 11:30 a.m.**

■ Hook Law Center is presenting a seminar on Long-Term Care and Estate Planning at Lake Prince Woods, 100 Anna Goode Way, Suffolk, VA 23435 on **January 25, 2013 at 2 p.m.** To r.s.v.p., please call 757- 923-5500 or 757-399-7506.

■ Hook Law Center will be speaking on the subject of Making an Elder Law Practice More Efficient at the VAELA Conference on **February 23, 2013** in Charlottesville, VA.

■ Hook Law Center is hosting a reception to benefit the Chesapeake Humane Society at Hook Law Center's Suffolk location, 5806 Harbour View Blvd., Suite 203, Suffolk, VA 23435 on **March 14, 2013.**



## More on Pet Trusts

**Hook Law Center:** Kit Kat, what else do you know about pet trusts? You commented about pet trusts recently.

**Kit Kat:** Well, as you know **pet trusts** can be as varied as we pet ourselves are. Regulations vary from state to state as I have said earlier, so you need to contact a **Certified Elder Law Attorney**, like Andy Hook, to design one specifically for your pet(s). My family has one, because there are 5 cats in our family. Cats tend to live longer than dogs, so it's very important to have one for them. One of my sisters, Brigitte, lived to be 19. I have a sister now, Misty, who is 16. My other siblings range in age from 5-9 years of age.

Anyway, it will be helpful when you do seek the advice of a certified elder law attorney, to have proof of your pet's identity in order to prevent fraud. A photo or microchip will suffice. Keep in mind that one way to design the trust is to have the trust cover any pets you may have during your lifetime, rather than create a separate trust for each of your pets.

Things to specify in the trust are: 1) the level of care that you wish to have for your pet. Give details about their food and what type of living conditions they are used to, 2) yearly veterinary exams, 3) specify how much and how frequently the trust funds will be distributed to the caregiver, 4) the amount in the pet trust fund should cover the pet's care as well as a little extra to cover the administrative costs of the trust, 5) name a beneficiary to receive any money that is not used by the pet trust, and finally, 6) specify how you want your pet's burial or cremation carried out. So that about covers it. As you can see, there are a lot of things to consider when you are ensuring your pet's future. But they're definitely worth it!

(Information taken from "Pet Trust Primer," Kim Bressant-Kibwe, Esq., [www.aspca.org](http://www.aspca.org), 12-19-12)

Life situations change. Be sure your Estate Plan reflects your life - today.  
Our Estate Planning attorneys will be happy to review your current plan and make any changes needed. Give us a call today to schedule your appointment..

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