Chairman Chuck Grassley
U.S. Senate Committee on the Judiciary
Questions for the Record
Mr. Joseph Marquart
Hearing: "Protecting Older Americans from Financial Exploitation"

1. **Many victims of financial exploitation are unaware they've been scammed or feel too embarrassed or ashamed to admit to it. What is AARP Iowa doing to help people overcome any feelings of embarrassment so that they can report abuse or exploitation?**

AARP Iowa is engaged in a multi-tiered outreach program to help Iowans get access to the information and resources they need to protect themselves from fraud and scams. We employ three main messages in speaking with Iowans about financial abuse:

1. Financial scams can happen to anyone.
2. Iowans are not alone in this fight.
3. Here are some tips and Iowa resources to help scam-proof your life.

In addition to the partnership activities outlined in our answer below to the second question asked by the Chairman, AARP Iowa has also established a speakers' bureau and two community-based outreach programs to assist Iowans with local scams. The AARP Iowa Fraud Watch Network Speaker's Bureau is a statewide group of 25 AARP member volunteers. We are trained as Fraud Watch educators, and this year we have conducted 30 events across the state with more than 800 older Iowan attendees. This volunteer network delivers presentations and distributes information in cities and small towns around Iowa, wherever we have invitations or opportunities to present. I am very proud to be one of those trained Fraud Watch volunteers.

AARP Iowa has also established two community-based programs –Triad, a community-based partnership between law enforcement agencies, and agencies and individuals involved in elderly issues, and SALT (Seniors and Law Together). These outreach programs in Cedar Rapids and Des Moines are designed specifically to help Iowans understand more about fraud and the widespread nature of financial abuse crimes at the local level. Monthly events are attended by 50-100 older Iowans in each location.

2. **It's estimated that only 1 out of every 44 cases of financial exploitation is actually reported to authorities, which is why it's important that we all work toward encouraging and empowering seniors to report abuse or exploitation. It's just as important that their loved ones and caretakers know where to turn when there are indications of financial exploitation. What is AARP Iowa doing to ensure that people know where to turn to when they suspect they've been a victim of financial exploitation? What sorts of resources or information does AARP Iowa make available to people in these instances?**

Since 2013, AARP Iowa has been actively working with state agencies, law enforcement, media, community partners and volunteers to address barriers to communication and resources on financial exploitation.

AARP Iowa has collaborated with the Iowa Insurance Division, Iowa's Attorney General Office, and the Iowa Department on Aging, the Long-Term Care Ombudsman Office, and Iowa SHIIP during the final series of Iowa Fraud Watch Forums in 2016. So far, these 2016 events have been attended by approximately 700 older Iowans in the communities of Des Moines, Bettendorf, and Sioux City. Karla Sibert attended one of these events prior to 2016, and was able to obtain the assistance of the Iowa's Attorney General office. With their help, more of her parents' money was recovered from a fraudulent health supplement company.

AARP Iowa has hosted two community-wide, free shred events in Des Moines and Cedar Rapids in 2016, with more than 930 residents participating, shredding a total of more than 28,000 pounds of documents. We have also hosted a statewide tele-townhall on ID theft and fraud in April, in partnership with the Iowa Insurance Division and to occur during MoneySmart Week. The hour-long call connected with almost 6,000 Iowans age 50+ about how to protect themselves from becoming a victim of identity theft and fraud. Finally, AARP Iowa was one of the first state offices to join the National Cyber Security Alliance and led outreach efforts with the AG's office, Iowa State University, and the business community.

In terms of resources and information we provide, AARP Iowa uses traditional and social media channels as well as direct mail (including our AARP magazine and AARP Bulletin) to alert our more than 370,000 members and all older Iowans about resources to help protect themselves from fraud. AARP produces monthly Fraud Watch Network articles by-lined for our key Iowa Fraud Watch Network spokespeople and which are distributed through the Iowa newspaper Association Foundation.

The Fraud Watch Network is free of charge and available to people of all ages by visiting *www.aarp.org/fraudwatchnetwork* or by calling the hotline at 1-877-908-3360. This website also has links to free downloadable copies of our "Fraud Watchdog Alert Handbook" and "Con Artists Playbook" booklets. These two booklets are available in hard copy and are AARP's most common resources distributed at our community events.

3. **We've heard how important it is to educate the public about scams and other forms of elder financial exploitation.**

    a. **Can you speak more about the importance of consumer education and awareness as a way to prevent older Americans from becoming victims of financial exploitation in the first place?**

Karla Sibert's story highlights the important role played by a financial power of attorney in representing and protecting loved ones in Iowa. Through her role as a power of attorney agent for her parents, Karla discovered (and subsequently ended) the thousands of dollars of payments her mother had been making to a fraudulent supplement company. A power of attorney document can be a useful tool in the event of future incapacity and can avoid the need for court appointment of a guardian or conservator. Many Iowans are fortunate to have a power of attorney agent who fulfills their responsibilities, like Karla Sibert did for her parents. But it is also important to acknowledge that power of attorney misuse and abuse can lead to dire consequences for the person it was meant to benefit.

In 2014, AARP Iowa served on the Iowa Elder Abuse Taskforce to update Iowa's power of attorney laws and to secure passage of a strong Uniform Power of Attorney Act (UPOAA). AARP Iowa, along with Iowa State Bar Association and other organizations, successfully advocated for enactment of the UPOAA. Iowa's UPOAA helps streamline the process for creating and using a valid power of attorney. Iowa's UPOAA also addresses the unfortunate cases where an agent representing an Iowa adult either fails to understand his or her responsibilities, or misuses the document, all of which hurt the individual and his or her family.

Iowa's UPOAA contains a number of key provisions that better protect Iowans against financial exploitation while at the same time make it easier for Iowans to plan for the financial future. Highlights include provisions that:

- Make it easier to create a valid financial power of attorney in Iowa;
- Clarify the mandatory and default duties of the agent and indicate when an agent must disclose information about his or her actions to third parties such as courts or adult protective services;
- Set forth the powers that an agent cannot exercise unless the power of attorney expressly authorizes such actions;
- Prevent, detect, and redress power of attorney abuse and financial exploitation by indicating numerous individuals and entities who may petition a court to construe a power of attorney or review an agent's conduct, and by establishing liability for agents who violate the power of attorney law by abusing or misusing their power; and
- Increase the ability of Iowans to use and have their valid power of attorney documents accepted by improving and limiting the circumstances which 3rd parties (financial institutions, health care facilities) can reject power of attorney documents.

In order to help Iowans better understand the significance of Iowa's UPOAA and power of attorney documents in general, AARP Iowa began an outreach and education campaign with the National Health Law and Policy (NHLP) Resource Center at the University of Iowa College of Law in November 2014. Part of that outreach campaign included the creation of a very popular document, the "Power of Attorney Act: FAQ," that we made available for free online at www.aarp.org/ia or by calling the AARP Iowa State Office toll-free at 1-866-554-5378. Additionally, the PDF copy can be downloaded directly here: https://www.dropbox.com/s/jmleav5qiifvhr2/AARP_POA_brochure_FINAL3_4Web.pdf?dl=0

In 2016, in partnership with Mediacom and the University of Iowa College of Law, AARP Iowa created two video versions of the FAQ, a 20 minute in-depth video, and an abridged, 6 minute general overview video available here: https://youtu.be/zOANFjtK0Fk

b. What advice do you have for family members, friends, and others trying to protect their loved ones from financial exploitation?

A key expert and outreach partner of AARP Iowa is Professor Josephine Gittler, Director of the National Health Law and Policy Resource Center of the University of Iowa College of Law. She has repeatedly highlighted the importance of thoughtfully choosing and then designating a financial power of attorney agent. In announcing our Iowa power of attorney outreach effort, Professor Gittler stated:

"Choosing an agent in a financial power of attorney to represent you if you become unable to manage your finances is one of the most important decisions you can make for your future years. Understanding what a financial power of attorney is, how to choose someone to serve as your agent, what their powers are and how to create a POA are key considerations our on-line information addresses in layman's terms."

4. **Is there anything you wish to add to, or correct for, the record? If so, please take this opportunity to provide any additional remarks or commentary.**

In 2016, Iowa's Supreme Court created a Guardianship Task Force. AARP Iowa staff and volunteers are working with judges, attorneys, state agencies and other state associations in reviewing our Iowa guardianship laws and processes. A major issue being addressed by the Task Force is the prevention, identification and redress of guardianship abuse – the financial exploitation of adults for whom the courts appoint guardians and conservators because they lack the capacity to manage their financial affairs. Representatives of AARP Iowa are active participants in the Task Force.