



GUARDIANSHIP FRAUD & FINANCIAL EXPLOITATION

25 Red Flags

SHARON R. BOCK
Clerk & Comptroller
Palm Beach County

Red flags are areas of concern that the Clerk & Comptroller's accredited Division of Inspector General (IG) may have regarding assets, income, or disbursements. When one or more red flags are identified during an assessment or audit, a team of highly qualified professionals will thoroughly audit and investigate the red flags. The IG will compare its audit findings to Florida Guardianship Law, Florida Probate Rules, and Court Orders; and the IG will report its findings to the Court and, if necessary, local, state, & federal law enforcement as well as other state & federal agencies.

The Clerk & Comptroller's Guardianship Fraud Program targets anyone who preys upon the vulnerability of an incapacitated or minor ward in Palm Beach County including, but not limited to, guardians, attorneys, caregivers, family members, friends, and neighbors. "The Study of Elder Financial Abuse" (Metlife June 2011) reported that elderly citizens are being exploited in the U.S. by \$2.9 billion per year; a 12% increase from 2008. 34% of the financial exploitation was perpetrated by family members, friends, and neighbors. There are over 2,600 guardianships in Palm Beach County.

The Clerk & Comptroller's accredited Division of Inspector General is more concerned when:

1. Allegations of fraud, waste, and exploitation are reported to the Clerk's Guardianship Fraud Hotline.
2. There is significant family discourse.
3. The guardianship assets are unprotected.
4. A trust is involved.
5. There are unusual transactions: real estate, gift cards, vehicles, credit cards, vacations, personal service contract.
6. Accountings are amended, inaccurate, unorganized, or untimely submitted.
7. Large amounts or frequent amounts of cash are withdrawn ("miscellaneous", "incidentals" cash).
8. There is a lack of supporting documentation especially proof of payment and what is benefit to the ward.
9. Items such as income, assets, or disbursements are missing, omitted, or incorrect on inventory.
10. Attorney and guardian fees do not fully detail date, tasks performed and benefit to ward.
11. There is a no separation of duties and there are direct and indirect conflicts of interest.
12. The ward has no relatives or is isolated from friends and family.
13. The guardianship assets are large and financial transactions are complex.
14. The family guardian, caregiver, or family member is unemployed or underemployed.
15. The guardian, attorney, caregiver, or family member is living a lavish lifestyle.
16. The attorney or guardian is suspended, discharged, fired, or quits.
17. There are large disbursements or purchases that are subsequently ratified by Court order.
18. There is singular control over the guardianship with non adversarial proceedings and lack of oversight.
19. Unaccepted accounting practices are used.
20. The guardian is not bonded. Education requirement is waived. There was no criminal background check.
21. The guardian and/or attorney do not have relevant guardianship experience.
22. The guardian, attorney, caregiver, or family member is having significant financial difficulty.
23. The attorney has been the subject of an investigation or disciplinary actions by The Florida Bar.
24. There are allegations of physical abuse. * Report physical abuse and neglect to Florida Abuse Hotline at 1-800-96-ABUSE
25. The guardian or ward's last known whereabouts are unknown. No one has seen ward but caregiver.