

SEMINAR

Financial Exploitation & Undue Influence by Romantic Partners, Adult Children, Paid Caregivers & Neighbors

Learn to recognize common patterns, and strategically sharpen your skill set to navigate and resolve derivative issues

Estate planners, elder lawyers and family law practitioners must be able to identify and address financial exploitation and undue influence by individuals in positions of trust when they encounter it. Learn how to handle issues that arise in the context of subsequent marriages with children from prior relationships; new romantic relationships; and sibling disputes when siblings argue over parents' assets, access to parents, and use of the assets. Get practical tips for navigating the issues that can arise with "helpful" neighbors, and with caregivers and vendors/contractors who influence for their own financial gain. Master the strategies for using elder protective services, DPOAs, and conservatorships and guardianships when concerns of influence and exploitation arise.

Agenda

- **Common Patterns and Situations**
- **General Standards—Financial Exploitation:** Reason to believe abuse or exploitation occurred; Individual is in need of protection and lacks capacity to consent or refuse protective services; and No other person is authorized, available, or willing to consent to protective services
- **General Standards—Undue Influence:** Unnatural disposition of property by a person susceptible to undue influence, benefitting a person(s) who had opportunity to exercise undue influence—who used it to procure a benefit
- **Shift in Burden of Proof**
- **Statutory and Common Law Authority and the Strategic Interplay of the Authorities:** Elder Abuse Statute: MGL Ch 19A and Disabled Person Abuse Statute: MGL Ch 19C; State Action: MGL Ch 19A Section 20(a); Private Right of Action: MGL Ch 19A Section 20(b); Guardianship: MGL Ch 190B Sec 5-101(9); Conservatorship: MGL Ch 190B Sec 5-401(c)
- **Impact of DPOA on Guardianship/Conservatorship Appointment Under MUPC "Shall" v. "May" Appointment and Court Discretion; MGL Ch 201B**
- **Special Proceedings Under the HCP Statute to Revoke, Affirm or Override a HCP MGL 201D Sec 17**
- **Equity Actions Under MGL Ch 215 Sec 6 to Revoke Wills-Trusts-Deeds-Beneficiary Designations, Rescind Gifts-Transfers, Void Transactions, Disgorge Assets**
- **Optimizing Contributions of Other Professionals: Neuro-Psychologists, Care Managers, Guardians, Conservators, and Protective Service Workers**
- **"Ask the Experts" Q&A Session**

Faculty

Lisa M. Cukier, Esq., *Burns & Levinson LLP, Boston, Chair*

Dr. Elizabeth H. Nasser, *Centers for Aging and Memory, Northborough*

Hon. Lee M. Peterson, *Norfolk Probate and Family Court, Commonwealth of Massachusetts*

David Sadownik, LICSW, CMC, *Life Care Manager, LifeCare Advocates LLC, Newton*



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Dates & Location

LIVE WEBCAST

Tuesday, September 28, 2021
12:00 noon–2:00 pm

Register at www.mcle.org
Program Number: 2220024WBC

REBROADCAST

Wednesday, October 13, 2021
2:00 pm–4:00 pm

Register at www.mcle.org
Program Number: 2220024RBC

REBROADCAST

Thursday, October 21, 2021
10:00 am–12:00 noon

Register at www.mcle.org
Program Number: 2220024RB1

ON DEMAND WEBCAST

View after Thursday, October 21, 2021

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