



Financial Professionals and Adult Protective Services



Partnering to Protect

One Team, One Goal.

Financial professionals are critical and valued Adult Protective Services (APS) partners in protecting and ensuring the financial safety of vulnerable adults in Texas. Financial exploitation threatens vulnerable adults' property, health choices, transportation, and ability to live in their own homes. Our shared goal is to find solutions for adults experiencing financial exploitation to help preserve their assets. We achieve the best results when APS and financial professionals work side by side to help the people we serve.

About APS

APS is a division of the Texas Department of Family and Protective Services (DFPS). We serve Texans who live in the community who are age 65 or older and adults, age 18 to 64, who have a disability that substantially affects their ability to live independently. APS investigates when

someone alleges that a member of either of these groups is a victim of abuse, neglect, or financial exploitation. When an investigation confirms an allegation, APS may provide or arrange for services to remedy or prevent further harm.

Reporting to APS

Report situations of suspected abuse, neglect, self-neglect, or financial exploitation to the Texas Abuse Hotline at 1-800-252-5400. For situations that are not urgent, you can report online at [txabusehotline.org](https://www.txabusehotline.org).

Please provide as much detail as possible and a good call-back number for APS to ask follow-up questions.

State law requires everyone to report suspected abuse, neglect, or financial exploitation of adults who are elderly or have disabilities to DFPS. Texas law provides immunity from civil and criminal liability for those acting in good faith. In addition, the Texas Finance Code gives specific immunity to financial institutions that report financial exploitation.

DFPS's Statewide Intake (SWI) program operates the hotline and the website. If the allegations meet APS's investigation criteria, SWI assigns a priority that is based on the severity of the situation and sends it to a local APS office where a caseworker begins an investigation. The caseworker uses the priority to determine how quickly to see the client.

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Warning Signs of Customer Financial Exploitation

- An older customer arrives at the bank with a family member who has power of attorney and appears to be making decisions without the customer's input or influences the customer's decisions in a way that is not in his or her best interest.
- A customer may have capacity to make decisions but be in a state of neglect due to a caregiver's use or misuse of the customer's resources.
- A customer's assets are rapidly diminishing in an unusual way.
- Situations or transactions that do not "feel right."

APS Roles and Responsibilities

- APS investigates suspected financial exploitation that involves a client's family member, caretaker, or an individual who has an ongoing relationship with the client.
- APS reviews the client's financial records and bank account information as part of a financial exploitation investigation.
- APS determines if the client has capacity to make decisions and seeks guardianship protection from the courts if needed.
- In a financial exploitation case, APS works with banking employees to assist with the bank's own investigation when requested.
- APS requests transaction holds from financial professionals, when necessary, to protect clients' assets.

Facts about APS

- Adults who have the capacity to make decisions and are not being abused, neglected, or financially exploited have the right to spend money as they wish, even if they make poor financial decisions.
- APS does not investigate scams or fraud. However, APS will investigate and provide services if a financial loss results in self-neglect.

- APS clients who have the capacity to make decisions have the right to refuse services, such as money management, but the investigation is not optional. APS is required to continue the investigation whether the client is cooperative or not.
- APS does not serve as a guardian. If a client needs a guardian, APS looks for relatives or refers the client to other agencies.

Opportunities to Work Together

- **Establishing Points of Contact and Clear Communication Channels.** APS welcomes the opportunity to build relationships with financial professionals to foster trust and effective communications.
- **Sharing Information.** Texas law allows financial professionals to share a customer's financial information with APS caseworkers as part of a financial exploitation investigation.
- **Expanding Training Opportunities.** Together, financial professionals and APS can develop cross-training opportunities such as Brown Bag Lunch-and-Learns and joint meetings with law enforcement, judges, and district attorneys. Training may include tips for supporting vulnerable adults, such as using the Internet and managing passwords, or learning how to identify, address, and prevent financial exploitation.
- **Executing Transaction Holds.** Financial professionals can execute transaction holds or other authorized tools when they observe rapidly diminishing assets.
- **Working with APS on a Financial Exploitation Investigation.** For example, explain who came into a bank with the customer, the customer's bank account information, and which financial professional suspected financial exploitation.
- **Acting on Your Concerns.** If you suspect financial exploitation, you may refuse to honor powers of attorney documents and then report your suspicions to the Texas Abuse Hotline.

Contact your local APS office:

For more information, please visit PartneringToProtect.org.



TEXAS
Department of Family
and Protective Services
Adult Protective Services