



**LIZA HORVATH**

**SENIOR ADVOCATE**

**The Predatory Caregiver**

I like to think that when the caregiver first came into contact with Mel and Ester, her intentions were honorable. Ester was terminally ill and her elderly husband, Mel, was providing around the clock care. Because of Ester's increasing care needs, Mel's was becoming overwhelmed. The caregiver, Leena, was referred by the friend of a friend and she was willing to work for much less than the fees the licensed home health care agencies were charging.

Leena was hard working and provided Ester with excellent care. She helped Mel with the cooking, laundry, and shopping and was a ray of sunlight in a home that was experiencing great loss and grief. When Ester passed away several months later, Mel was understandably devastated at having to say goodbye to his wife of forty-five years. Leena stayed on to help Mel adjust. Soon Leena was driving Mel everywhere and becoming more enmeshed in his life. The two were frequently seen together dining out or attending an evening show. Mel, at the age 76, referred to Leena as his "new girlfriend" and was flattered that Leena, then aged 36, called Mel her "sugar daddy."

The names of the parties here have been changed because Adult Protective Services has been called and is investigating the circumstances. So far, the investigation has revealed that Leena's name has been added to Mel's real estate as a joint tenant. Unless something changes, when Mel passes away Leena will receive the house outright, a family home Mel and Ester owned together and in which they raised their three children.

The investigation will turn out in one of two ways. Either enough evidence will be gathered to bring an action against Leena for elder abuse, undue influence, or coercion, or the investigation will reveal that Mel has full capacity and, as an adult, he is entitled to give his property to whomever he wishes.

Most caregivers are wonderful, compassionate, people who dedicate their lives to caring for others. Some, however, are predators. Some may begin a position with good intentions but over time start to feel entitled to more than just a paycheck. They may use grocery money to buy food for their own families or possibly steal items from the home. Some end up marrying the person they were hired to care for and gain access to an entire estate.

If we need a caregiver, what can we do to make sure the person we hire is and remains committed to our welfare and is not predatory? First, build a team around you who will watch out for your welfare. Your doctor, lawyer, friends, trust officer, and relatives should all be enlisted to help you "manage" your situation. Additionally, there are professional services that can "check in" on you from time to time. And, finally, use an agency that provides caregivers who have been trained, fingerprinted, background

checked, health screened and who are continually supervised. Next week I will expand on hiring caregivers, caregiver services, and the legalities of in-home care.

Mel continues to enjoy his relationship with Leena. It may turn out fine and I hope it does. We are all entitled to joy and companionship but it should never come with a price tag.

*Liza Horvath has over 25 years experience in the estate planning and trust fields and is a Trust Officer with a local bank. The above should not be considered legal advice. If you have a question please call (831) 915-0272 or email [liza@montereytrust.com](mailto:liza@montereytrust.com).*