

California Undue Influence Screening Tool (CUIST)¹

Client's Name: _____

Date: _____

The purpose of CUIST is to aid Adult Protective Service personnel screen for suspected undue influence. Undue influence means excessive persuasion that causes another person to act or refrain from acting by overcoming that person's free will and results in inequity.² CUIST is divided four categories: Client Vulnerability, Influencer's Authority/Power, Actions/Tactics, and Unfair/Improper Outcomes. Check all the factors that apply to the victim's circumstances and provide examples. For more details and examples, see *Instructions for Completing California Undue Influence Screening Tool (CUIST)*.

Client's Vulnerability	Examples/ Comments
<ul style="list-style-type: none"> <input type="checkbox"/> Poor or declining health or physical disability <input type="checkbox"/> Depends on others for help or care <input type="checkbox"/> Problems with hearing, vision, or speaking <input type="checkbox"/> Problems with memory <input type="checkbox"/> Problems communicating and understanding <input type="checkbox"/> Does not understand consequences of decisions <input type="checkbox"/> Developmental disability <input type="checkbox"/> Dependent or passive behavior <input type="checkbox"/> Emotional distress (e.g., grief, anxiety, fear, depression) <input type="checkbox"/> Language/literacy barriers <input type="checkbox"/> Isolated from others <input type="checkbox"/> Lives in chaotic or dysfunctional environment <input type="checkbox"/> Influencer knew or should have known of person's vulnerability <input type="checkbox"/> Other (please specify) _____ <input type="checkbox"/> No apparent vulnerability 	

¹ Quinn, M. J., Nerenberg, L., Navarro, A. E. & Wilber, K.H. (2017). Developing an undue influence screening tool for Adult Protective Services. *Journal of Elder Abuse & Neglect*, 29(2-3). doi: 10.1080/08946566.2017.1314844

² Probate Code §86 and Welfare and Institutions Code §15610.70

Influencer Authority/Position of Power	Examples/ Comments
<ul style="list-style-type: none"> <input type="checkbox"/> Stands in a position of trust, authority, or confidence resulting from: <ul style="list-style-type: none"> <input type="checkbox"/> Intimate/family relationship <input type="checkbox"/> Caregiver <input type="checkbox"/> Professional standing (e.g., legal professional, spiritual adviser, health care professional, real estate agent, banker, accountant) <input type="checkbox"/> Legal authority (e.g., power of attorney, conservatorship, trust, representative payee) <input type="checkbox"/> Controls elder's finances <input type="checkbox"/> Immigration sponsor <input type="checkbox"/> Landlord or long term care facility operator <input type="checkbox"/> Predatory salesperson (e.g., telemarketer, annuity company, lottery) <input type="checkbox"/> Has access to client's home/possessions, finances, documents, or private information (e.g., legal/immigration status, sexual orientation/identity) <input type="checkbox"/> Other (please specify) _____ <input type="checkbox"/> No apparent authority, power, or access to assets and information 	

Actions or Tactics	Examples/ Comments
<ul style="list-style-type: none"> <input type="checkbox"/> Manipulates or controls the client's access to food, sleep, medication or personal care <input type="checkbox"/> Makes promises to help the client get rich <input type="checkbox"/> Makes false claims or promises, or misrepresents self (e.g. claims to be an expert) <input type="checkbox"/> Professionals or paid caregivers involve clients in their personal lives or ask for gifts/loans <input type="checkbox"/> Controls access to information <input type="checkbox"/> Isolates from visitors, telephone/computer, or mail <input type="checkbox"/> Instills distrust and fear (e.g., nursing home placement, abandonment, threats of violence, "poisons relationships") <input type="checkbox"/> Moves into client's residence or changes their residence <input type="checkbox"/> Changes clients's usual providers (e.g. physicians, lawyers, bankers, accountants) <input type="checkbox"/> Makes frequent/repeated requests that benefit the influencer <input type="checkbox"/> Pressures during periods of distress, illness, transition <input type="checkbox"/> Uses affection, sex, intimidation or coercion <input type="checkbox"/> Rushes client to make decisions secretly and at inappropriate times and places <input type="checkbox"/> Solicits or encourages gifts, loans, bequests, or cash <input type="checkbox"/> Other (Please specify) _____ <input type="checkbox"/> No apparent use of actions or tactics described above 	

Unfair or Improper Outcome(s)	Examples/ Comments
<ul style="list-style-type: none"> <input type="checkbox"/> Economic losses (e.g. money, property, investments) <input type="checkbox"/> Changes in prior intent, conduct, or practices (e.g., new beneficiaries on wills; new signatories on bank accounts, changes in property ownership, changes to estate plans or charitable contributions) <input type="checkbox"/> Excessive gifts, payments, or donations in light of length and nature of relationship <input type="checkbox"/> Loss of home or residence, or eviction <input type="checkbox"/> Deterioration of home and environment <input type="checkbox"/> Loss of control of credit cards, bank accounts, or property <input type="checkbox"/> Identity theft <input type="checkbox"/> Unexplained physical decline or injury including weight loss, physical function <input type="checkbox"/> Negative mental or emotional changes including depression, loss of will to live, suicidal thoughts <input type="checkbox"/> Violation of rights (e.g., to live where one wants, to marry or divorce, agree to or refuse treatment) <input type="checkbox"/> Other (please specify) _____ <input type="checkbox"/> No apparent unfair or improper outcomes 	

Summary

Check the following boxes that you believe apply to this client:

- Victim appears to be vulnerable
- Suspected influencer appears to have power or authority over the client.
- Suspected influencer has taken steps suggestive of undue influence.
- Influencer's actions appear to have resulted in unfair, improper, or suspicious outcome.

Further steps may include but are not limited to: referral for conservatorship, neuropsychological evaluation, multidisciplinary team review, capacity assessment, or medical evaluation; interviews with friends, family, neighbors or professionals; maintain form in agency file for future reference; contact law enforcement to discuss case or client's bank to request information or monitoring. Specific action will depend on supervisor input and agency policy.

Instructions for Completing California Undue Influence Screening Tool (CUIST)¹

1. Complete the client's name and date.
2. Check all the factors that apply to the victim's circumstances.
3. Write in examples or comments that explain why you checked a box (see below for examples).
4. Complete the summary at the end of CUIST by checking the box(s) you believe apply to this client.
5. Specific actions taken after completing CUIST will depend on agency policy and in consultation with supervisors.

Client Vulnerability	Examples/Evidence
<input checked="" type="checkbox"/> Problems with memory	When I asked Mrs. H what bank she uses and how much money she has, she said she didn't know. Mr. S does not remember marrying his caregiver.
<input checked="" type="checkbox"/> Does not understand consequences of decisions	Mrs. G pays her caregiver \$2,000/mo. and her monthly income is \$1,800. When I told her that her savings will run out in two years, she told me I must be wrong.
<input checked="" type="checkbox"/> Dependent or passive behavior	Mrs. X insists that her niece answers questions for her.
Influencer Authority/Position of Power	
<input checked="" type="checkbox"/> Controls elder's finances	Mrs. E's granddaughter is her representative payee and also has the pin number to her bank accounts.
<input checked="" type="checkbox"/> Has access to client's home/possessions, finances, documents, or private information	Mr. T's neighbor knows that Mr. T is gay, and Mr. T is afraid that the neighbor will tell Mr. T's family.
Actions or Tactics	
<input checked="" type="checkbox"/> Professionals or paid caregivers involve client in their personal lives or ask for gifts/loans.	Mrs. C's caregiver brings her children to work and asked Mrs. C for a loan to pay for her daughter's piano lessons.
<input checked="" type="checkbox"/> Rushes client to make decisions secretly and at inappropriate times and places.	Mr. D's son pressured him to make him executor of his estate while he was in the hospital shortly after a stroke.
Unfair or Improper Outcome(s)	
<input checked="" type="checkbox"/> Changes in prior intent, conduct, or practices	Mr. G's niece was beneficiary in his will for 20 years. Now, his caregiver of two months is his new beneficiary.
<input checked="" type="checkbox"/> Violation of rights	Mrs. A gave her best friend power of attorney (POA) for finances. Her nephew held the power in the past and knows about the change, but uses the old POA anyway.
<input checked="" type="checkbox"/> Excessive gifts, payments, or donations in light of length/nature of relationship	Mr. R. signed over his home to his attendant of 6 months
<input checked="" type="checkbox"/> Deterioration of home or environment	Ms. L's utilities have been cut off.

¹ CUIST was developed under a grant by the Borchard Foundation Center on Law and Aging.