

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
☐ Poor or declining health or physical disability ☐ Depends on others for help or care ☐ Problems with hearing, vision, or speaking ☐ Problems with memory ☐ Problems communicating and understanding ☐ Does not understand consequences of decisions ☐ Developmental disability ☐ Dependent or passive behavior ☐ Emotional distress (e.g., grief, anxiety, fear, depression) ☐ Language/literacy barriers ☐ Isolated from others ☐ Lives in chaotic or dysfunctional environment ☐ Influencer knew or should have known of person's vulnerability ☐ Other (please specify) _____ ☐ 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
☐ Stands in a position of trust, authority, or confidence resulting from: ☐ Intimate/family relationship ☐ Caregiver ☐ Professional standing (e.g., legal professional, spiritual adviser, health care professional, real estate agent, banker, accountant) ☐ Legal authority (e.g., power of attorney, conservatorship, trust, representative payee) ☐ Controls elder's finances ☐ Immigration sponsor ☐ Landlord or long term care facility operator ☐ Predatory salesperson (e.g., telemarketer, annuity company, lottery) ☐ Has access to client's home/possessions, finances, documents, or private information (e.g., legal/immigration status, sexual orientation/identity) ☐ Other (please specify) _____ ☐ No apparent authority, power, or access to assets and information	

Actions or Tactics	Examples/ Comments
☐ Manipulates or controls the client's access to food, sleep, medication or personal care ☐ Makes promises to help the client get rich ☐ Makes false claims or promises, or misrepresents self (e.g. claims to be an expert) ☐ Professionals or paid caregivers involve clients in their personal lives or ask for gifts/loans ☐ Controls access to information ☐ Isolates from visitors, telephone/computer, or mail ☐ Instills distrust and fear (e.g., nursing home placement, abandonment, threats of violence, "poisons relationships") ☐ Moves into client's residence or changes their residence ☐ Changes clients's usual providers (e.g. physicians, lawyers, bankers, accountants) ☐ Makes frequent/repeated requests that benefit the influencer ☐ Pressures during periods of distress, illness, transition ☐ Uses affection, sex, intimidation or coercion ☐ Rushes client to make decisions secretly and at inappropriate times and places ☐ Solicits or encourages gifts, loans, bequests, or cash ☐ Other (Please specify) ☐ No apparent use of actions or tactics described above	

Unfair or Improper Outcome(s)	Examples/ Comments
☐ Economic losses (e.g. money, property, investments) ☐ 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) ☐ Excessive gifts, payments, or donations in light of length and nature of relationship ☐ Loss of home or residence, or eviction ☐ Deterioration of home and environment ☐ Loss of control of credit cards, bank accounts, or property ☐ Identity theft ☐ Unexplained physical decline or injury including weight loss, physical function ☐ Negative mental or emotional changes including depression, loss of will to live, suicidal thoughts ☐ Violation of rights (e.g., to live where one wants, to marry or divorce, agree to or refuse treatment) ☐ Other (please specify) _____ ☐ 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.