

CONSUMER'S EDGE

CONSUMER PROTECTION DIVISION, MARYLAND OFFICE OF THE ATTORNEY GENERAL

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IS YOUR MONEY SAFE? PROTECT YOURSELF AGAINST FINANCIAL EXPLOITATION

Ms. B was a frail 83-year-old woman who allowed a "caregiver" to move into a room of her home in exchange for care provided. Within several months, Ms. B's daughter discovered that thousands of dollars had been withdrawn with Ms. B's ATM card. The "caregiver" also took Ms. B to an attorney and obtained power of attorney for herself. She took \$5,600 from Ms. B's accounts before the daughter learned of the activity.

What Is Financial Exploitation?

Financial exploitation is the illegal or improper use of another person's resources for personal profit. Many people, especially vulnerable adults who lack the physical or mental capacity to provide for their own daily needs, have been financially exploited not only by con artists who were strangers, but also by people they knew - paid caregivers, financial advisors, accountants, attorneys, neighbors, even close relatives. In fact, relatives are the most frequent exploiters.

Examples of financial exploitation include: making unauthorized withdrawals from a bank account; cashing checks that should have been deposited; unauthorized use of credit cards; transferring real property or other assets for no consideration or nominal consideration; forging a person's signature; having a person establish a joint banking account, then taking large sums of money out of it; and tricking a person with a memory problem into writing multiple checks for the same purpose.

Financial matters can be confusing. If you have questions or need assistance, ask for help from your bank, a trusted family member, clergy member, social worker or other professional.

The Consumer Protection Division of the Office of the Attorney General pursues asset recovery on behalf of financially exploited senior citizens (aged 68 or older) and vulnerable adults (a person who lacks the physical or mental capacity to provide for his or her daily needs)



by bringing a civil action for damages on their behalf against persons who financially exploited them by way of deception, intimidation or undue influence.

If you suspect that a vulnerable adult has been financially exploited, call the Maryland Department of Human Resources at 1-800-917-7383 or The Office of the Attorney General, Consumer Protection Division, Senior Asset Recovery Unit at 410-576-6575.

What You Can Do to Avoid Problems

Document financial arrangements. By putting financial arrangements in writing, you not only protect yourself but you also reduce the likelihood of future misunderstandings of legal proceedings. Put all financial instruc-



tions in writing and be specific. Keep complete financial records of all transactions. Put all financial documents in a safe place. Don't give away property. Before you enter into an agreement for lifelong care, discuss the arrangement with a trusted friend or advisor. Document the agreement and specify the compensation, if there is any, paid to the caregiver. If there is someone helping you with your personal finances, get a trusted third party to review your bank statement.

Get to know your banker, attorney and financial consultant. Establish relationships with the professionals who handle your money. They can help detect changes in your financial activity that may signal a problem.

Be cautious of joint accounts. Both parties are equal owners of the account and both have equal access to the money. Ask your bank about alternatives like a convenience account or Power of Attorney account, which allow others to do banking for you, but do not make them co-owners of anything in the account. Make sure that any bank or other financial statements are sent to your address and consider having a copy sent to a trusted friend or advisor.

Consider a Power of Attorney. The powers granted by you through the use of a power of attorney are generally broad and sweeping. A power of attorney authorizes another person (your agent) to make decisions concerning your property for you (the principal). Your agent will be able to make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself. Include a compensation clause in any power of attorney. Before you assign a power of attorney, be sure you understand the scope of the agreement and the authority you are giving to your agent. Know the person to whom you are giving this authority, and, most importantly, make sure you have absolute faith in their integrity. Also, specify the compensation, if any, to be paid to your agent. Before you discuss or sign a power of attorney, discuss the arrangement with a trusted friend or advisor who will not be your agent in the power of attorney and understand what rights you may be surrendering.

Stay socially active. Social isolation increases your risk of becoming a victim of abuse. Become familiar with the many programs in your community designed to bring people together and to help elderly people and their families.

These tips will help you protect your money:

- Use direct deposit for your checks.

- Don't sign blank checks allowing another person to fill in the amount.
- Don't leave money or valuables in plain view or discuss their location with others.
- Don't sign anything you don't understand.
- Protect your money. The bank may be able to protect your money by arranging your accounts to control access to your funds.
- Be aware of scams. If it sounds too good to be true, it probably is.
- Cancel your ATM card if you don't use it.
- Don't give anyone your ATM PIN number.
- Check your bank statements carefully for unauthorized withdrawals.
- Be cautious of joint accounts.
- Build good relationships with the professionals who handle your money.

Where to Get Help

To report suspected financial exploitation of a vulnerable adult, call the Maryland Department of Human Resources at 1-800-917-7383 Monday through Friday 8 a.m. to 5 p.m. The Department will contact Adult Protective Services in the appropriate county, which will investigate. You can make such a call completely anonymously. If you choose to give your identity, your identity will still be kept confidential. You can also call The Office of the Attorney General, Consumer Protection Division, Senior Asset Recovery Unit at 410-576-6575.

HOW TO CONTACT US

Consumer Protection Division

200 St. Paul Place, 16th Fl., Baltimore, MD 21202

- **General Consumer Complaints:** 410-528-8662
Toll-free: 1-888-743-0023 TDD: 410-576-6372
9 a.m. to 3 p.m. Monday-Friday
www.marylandattorneygeneral.gov/Pages/CPD/
- **Health Consumer Complaints:** 410-528-1840
Toll-free: 1-877-261-8807 TDD: 410-576-6372
9 a.m. to 4:30 p.m. Monday-Friday
www.marylandcares.org
- **For information on branch offices** in Largo, Salisbury, Hagerstown, and a full list of offices across Maryland, visit: www.marylandattorneygeneral.gov/Pages/contactus.aspx

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