

MANAGING SOMEONE ELSE'S MONEY IN ALABAMA

*Help for Agents Under
a Power of Attorney*

WINGS
Working Interdisciplinary Networks
of Guardianship Stakeholders



About Alabama WINGS

This Guide was adapted from the Consumer Financial Protection Bureau’s (the “CFPB’s”) Managing Someone Else’s Money guides. Alabama WINGS prepared this Guide to include Alabama law and resources. The CFPB has not reviewed or approved the content of this Guide, and the CFPB does not necessarily endorse the final product.

Alabama WINGS is working to improve guardianship and conservatorship practices in Alabama. In June 2017, Alabama established a state WINGS with funding from the American Bar Association (ABA) Commission on Law and Aging. The ABA, along with the National Center for State Courts, in 2016 received an Elder Justice Innovation Grant from the U.S. Administration on Community Living to establish, expand, and enhance state WINGS. Alabama WINGS, consisting of a Steering Committee and 26 member Task Force, is coordinated by the Administrative Office of Courts under the auspices of the Supreme Court of Alabama.

MISSION of Alabama WINGS

To deliver information, resources, and tools throughout the legal system and to the public as a means of providing appropriate decision-making supports and protective services to individuals.

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What's inside

Why read this Guide?	1
What is a fiduciary?	2
Power of attorney questions and answers	3
Four basic duties of a fiduciary	5
Duty 1 Act only as Martina would want and in her best interest.....	5
Duty 2 Manage Martina's money and property carefully	7
Duty 3 Keep Martina's money and property separate	9
Duty 4 Keep good records	10
More things you should know	11
What if there are other fiduciaries?	11
Government benefits require special fiduciaries.....	11
How can you avoid problems with family or friends?.....	11
What should you know about working with professionals?.....	12
Watch out for financial exploitation	13
Look for these common signs of financial exploitation	13
Be on guard for consumer scams	15
How can you protect Martina from scams?	15
Protection from ID theft and fraud	18
Anyone can be a victim of identity theft	18
Help for financial caregivers	18
Where to go for help	19
Local and state agencies	19
Federal agencies	21
For legal help.....	22
For accounting help	22



Why read this Guide?

Like many people, you may never have been an agent under a power of attorney before. That's why we created *Managing Someone Else's Money in Alabama: Help for Agents Under a Power of Attorney*. This guide will help you understand what you can and cannot do in your role as an **agent**. In that role, you are a **fiduciary**. For this guide, a fiduciary is anyone named to manage money or property for someone else. In this guide, you'll find brief tips to help you avoid problems and resources for finding more information.

This guide is for family and friends serving as an agent, not for professionals or organizations. The guide does not give you legal advice. Talk to a lawyer if you have questions about your duties.

If you want to learn about making a power of attorney, this guide is not designed for you. Talk to a lawyer about making your own power of attorney.

Let's start with a scenario about how you might have become an agent under power of attorney

Your family member or friend is worried that she will get sick and will not be able to pay her bills or make other decisions about her savings and her house. For this guide, let's call her Martina. Martina has signed a legal document called a **power of attorney**. In it, she names you as her agent and gives you the power to make decisions about money and property for her.

The law gives you a lot of responsibility as Martina's agent under a power of attorney.

You are now a **fiduciary** with **fiduciary duties**.



What is a fiduciary?

Since you have been named to manage money or property for someone else, you are a **fiduciary**. As Martina's fiduciary, you owe her a high duty of good faith, fair dealing, honest performance, and strict accountability. The law requires you to manage Martina's money and property for her benefit, not yours. It does not matter if you are managing a lot of money or a little. It does not matter if you are a family member or not.

The role of a fiduciary carries with it legal responsibilities. When you act as a fiduciary for Martina, you have four basic duties that you must keep in mind:

1. Act only as Martina would want and in her best interest.
2. Manage Martina's money and property carefully.
3. Keep Martina's money and property separate.
4. Keep good records.

As a fiduciary, you must be diligent, trustworthy, honest, and act in good faith. If you do not meet these standards, you could be removed as a fiduciary, sued, or have to repay money. It is even possible that the police or sheriff could investigate you, and you could go to jail.

That's why it's always important to remember: It's not your money!

Different types of fiduciaries exist

In your role as agent, you may act as or deal with other types of fiduciaries.

These may include:

- **Trustees under a revocable living trust**—someone names them to manage money and property.
- **Representative payees or, for veterans, VA fiduciaries**—a government agency names them to manage government money that is paid to someone.
- **Conservators**—a court names them to manage money and property for someone who needs help.

A guide explaining the duties of Conservators in Alabama can be found at:
<http://alabamawings.alacourt.gov/media/1042/alabama-conservators-guide.pdf>

Power of attorney questions and answers

What is a power of attorney?

A **power of attorney** is a legal document. Martina made a power of attorney to give you legal authority to make decisions about her money or property so that you can make decisions for her if she is sick or injured. In Alabama, the type of document that Martina made may be called a **durable power of attorney**.

Under a power of attorney, Martina is called the **principal**.

You are called the **agent**. Another name for the agent is **attorney-in-fact**.

Martina could also make a **health care power of attorney** if she names someone to make decisions about her health care. In Alabama, this is also called an Advance Directive for Health Care. (We don't discuss advance health care planning in this guide, but if you want more information about that, go to www.alabar.org/for-the-public/brochures/)

Can Martina still manage her money and property after signing a power of attorney? Yes, as long as she is still able to make decisions.

▶ Am I personally responsible for Martina's debts?

No, you are not personally liable for Martina's debts or decisions you make on her behalf unless you acted beyond your authority or did not disclose that you were acting as Martina's agent.

▶ Do I have to serve as Martina's agent?

No. Just because Martina named you in the power of attorney does not mean that you have to serve as her agent. If you do not want to serve, let Martina know so that she can find someone else.

▶ Can a power of attorney be changed or revoked?

Martina can take away (or *revoke*) your authority to act as her agent at any time if she wants to and is still able to make decisions. If she does take away your authority as her agent, you must stop making decisions for her. Martina should tell any people or businesses you were dealing with about her decision to take away your authority.

▶ What if you think the change was the result of fraud or abuse?

If you think Martina does not understand the decision she made to remove your authority and is being abused or exploited by someone else, talk to a trusted family member; a lawyer; or an official from the Alabama Department of Human Resources (DHR) Adult Protective Services, the police, or the sheriff.

▶ **When do your responsibilities end?**

If Martina revokes your authority, your responsibilities end. In addition, your authority ends when she dies. Promptly notify her bank or other businesses with which you interacted as her agent. Even if you can easily pay some of her outstanding bills, you will no longer have the authority to do so. If you are married to Martina, your authority to act as her agent ends if you or she files for divorce or legal separation, unless the power of attorney allows you to continue acting as Martina's agent. If a court names a conservator to act for her, your authority as agent continues unless the court limits or ends it.

▶ **What happens if you can no longer serve as agent?**

You should step down from serving as Martina's agent if you can no longer serve. Alabama law permits Martina to name **successor agents** to serve in your place in her power of attorney. If she did, let that person know that he or she is now Martina's agent. If Martina did not name a successor agent and she cannot name someone else to act for her, tell a trusted family member or a government agency such as DHR Adult Protective Services. If you cannot act as her fiduciary, she will need someone else to help her.

▶ **Let people know that you are Martina's agent.**

You need to disclose that you are Martina's agent acting under her power of attorney. Whenever you sign a check or document for Martina (the "principal"), write or print her name and sign your own name as "agent" in the following manner:

(Principal's Name) by (Your Signature) as Agent

▶ **Don't expect others to know what an agent is or does.**

They may not understand that you have been named as an agent. They may think that you have more authority or less authority than you really have. Give them a copy of (not the original) Martina's power of attorney. You may also need to educate them. You could show them this guide.

Four basic duties of a fiduciary

Duty 1 | Act only as Martina would want and in her best interest

Because you are dealing with Martina's money and property, your duty is to make reasonable decisions that she would want and are best for her. This means you must ignore your own interests and needs, or the interests and needs of other people.

To help act in Martina's best interest, follow these guidelines:

- **Read the power of attorney and do what it says.** Your authority is strictly limited to what the document and Alabama law allow. Follow Martina's directions in the document, even if you have the best intentions in doing something different.
- **Understand when the power of attorney becomes effective.** Your authority becomes effective when Martina signs the power of attorney, unless the document says that you cannot act until Martina can no longer make her own decisions (is "incapacitated") or until some event has happened. **Check to see if the document says how you will know when Martina can no longer make her own decisions.** If the document does not provide that information, Alabama law says that Martina will be considered to be incapable of making decisions if a physician or a licensed psychologist examines her and determines that she is incapacitated, and they make a written or other record of their determination.
- **As much as possible, involve Martina in decisions.** Many things can affect your decisions about Martina's money and property. For example, you might feel pressure from others. Martina's abilities to make decisions might change from time to time.

Even after it is clear that you must make decisions for Martina, ask her what she wants if she can communicate. If she can't say what she wants, try to find out what she would have wanted. Look at any past decisions, actions, and statements. Ask people who care about Martina what they think she would have wanted. Make the decisions you think Martina would have wanted, unless doing so would harm her. Put her well-being above saving money for others who may inherit her money and property. Make sure she is safe and comfortable, and her needs are met.

- **Avoid conflicts of interest.** A conflict of interest happens if you make a decision about Martina's property that may benefit someone else at Martina's expense. As a fiduciary, you have a strict duty to avoid conflicts of interest—or even the appearance of a conflict of interest.
- **Don't borrow, loan, or give Martina's money to yourself or others.** Alabama law allows Martina to decide if you may make gifts (of her money) to yourself or to others. Check the documents to see whether Martina gave you the power to make gifts. Any gifts or loans

should be in line with what the power of attorney says and what Martina would have wanted. For example, if Martina gave money every year to a charity, the power of attorney may allow you to continue doing that.

- **Avoid changing Martina’s plans for giving away her money or property when she dies.** There may be rare situations in which changing Martina’s estate plan would be in her best interest. But you should get legal advice to make sure that the power of attorney and Alabama law allows what you intend to do.
- **Don’t pay yourself for the time you spend acting as Martina’s agent, unless the power of attorney or state law allows it.** Alabama law allows you to pay yourself unless the power of attorney document says that you cannot do that. If you pay yourself, you need to show that your reimbursement is of expenses reasonably incurred on behalf of Martina. Look for information about what other people charge to do the tasks that you are doing for Martina. If you are worried about the reasonableness of your fee, talk to an attorney about it before you pay yourself using Martina’s money.

Avoid possible conflicts of interest

Sometimes people have good intentions, but do things they shouldn’t. Because you are now a fiduciary, you should avoid any conflicts of interest. Here are a few examples of possible conflicts of interest:

Whose car is it?

You used Martina’s money to buy a car. You use it to drive her to appointments, but most of the time you drive the car just for your own needs. This may be a conflict of interest.

Should you do business with family?

Martina needs repair work in her apartment. You hire your son and pay him from Martina’s money. This may be a conflict of interest, even though the work was needed. It appears that you have put your personal interest to benefit your son in conflict with Martina’s interests.

Duty 2 | Manage Martina's money and property carefully

As Martina's agent, you might pay bills, oversee bank accounts, and pay for things she needs. You might also make investments, pay taxes, collect rent or unpaid debts, get insurance if needed, and do other things written in the power of attorney.

You have a duty to manage Martina's money and property very carefully. Use good judgment and common sense. As a fiduciary, you must be even more careful with Martina's money than you might be with your own!

Follow these guidelines to help you make careful decisions:

- **List Martina's money, property, and debts.** To make careful decisions, you need to know what Martina owns and owes. Your list might include:
 - Checking and savings accounts;
 - Cash;
 - Pension, retirement, annuity, rental, public benefit, or other income;
 - Real estate;
 - Cars and other vehicles;
 - Insurance policies;
 - Trusts for which Martina is a beneficiary;
 - Stocks and bonds;
 - Jewelry, furniture, and any other items of value; and
 - Unpaid credit card bills and other outstanding loans.
- **Protect Martina's property.** Keep her money and property safe. You may need to put valuable items in safe deposit boxes, change locks on property, and make sure her home or other property is insured. Make sure bank accounts earn interest if possible and have low or no fees. Review bank and other financial statements promptly. If Martina owns any real estate, keep it in good condition.
- **Invest carefully.** If you are making investment decisions for Martina, talk to a financial professional. The Securities and Exchange Commission (SEC) provides tips on choosing a financial professional at www.sec.gov/investor/alerts/ib_top_tips.pdf. Discuss choices and goals for investing based on Martina's needs and values.
- **Pay bills and taxes on time.**
- **Cancel any insurance policies that Martina does not need.**
- **Collect debts.** Find out if anyone owes Martina money, and try to collect it.

- **Take steps to have the power of attorney accepted.** Sometimes banks or other businesses won't do what you, acting as Martina's agent, want them to do. A bank may refuse to accept the power of attorney and want Martina to sign its own form. This is a problem if Martina has lost the ability to act for herself. As soon as you need to act as Martina's agent, contact any businesses (such as banks) or people that she deals with and **give them copies of the power of attorney.** **Never give away the original document.** You can get certified copies of the original document. If someone will not accept your authority as agent, talk to a supervisor. If they still won't accept it, talk to a lawyer.

Can Martina get any benefits?

Find out if Martina is eligible for any financial or health care benefits from an employer or a government. These benefits might include pensions, disability, Social Security, Medicare, Medicaid, Veterans benefits, housing assistance, or food stamps (now known as Supplemental Nutrition Assistance Program or SNAP). Use the National Council on Aging benefits check-up at www.benefitscheckup.org.

Help her apply for those benefits. The Area Agency on Aging where Martina lives can help you find information. In Alabama, those area agencies can be found at www.alabamaageline.gov/area-agency.html.

Medicaid is complicated

Get legal advice and be very careful about decisions that may affect Martina's eligibility for Medicaid. The Medicaid program provides medical assistance and long-term care to low-income people. For information about Alabama Medicaid, visit www.medicaid.alabama.gov.

Duty 3 | Keep Martina's money and property separate

Never mix Martina's money or property with your own or someone else's. Mixing money or property makes it unclear who owns what. Confused records can get you in trouble with Martina's family and also with government agencies, such as Department of Human Resources (DHR) Adult Protective Services and law enforcement.

Follow these guidelines:

- **Separate means separate.** Never deposit Martina's money or property into your own or someone else's bank account or investment account.
- **Avoid joint accounts.** If Martina already has money or property in a joint account with you or someone else, get legal advice before making any change.
- **Keep title to Martina's money and property in her own name.** This is so other people can see right away that the money and property is Martina's and not yours.
- **Know how to sign as agent.** Whenever you sign a check or document for Martina (the "principal"), write or print her name and sign your own name as "agent" in the following manner:
(Principal's Name) by (Your Signature) as Agent
- **Pay Martina's expenses from her funds, not yours.** Spending your money and then paying yourself back makes it hard to keep good records. If you really need to use your money, keep receipts for the expense and maintain a good record of why, what, and when you paid yourself.



Duty 4 | Keep good records

You must keep true and complete records of Martina's money and property. Your records need to include receipts, disbursements, and transactions made on Martina's behalf. Alabama law allows Martina to review your records to check up on you. A court, Martina's guardian or conservator, another fiduciary acting for Martina (such as a trustee), and DHR Adult Protective Services may also require you to turn over records.

Practice good recordkeeping habits:

- **Keep a detailed list of everything that you receive or spend for Martina.** Records should include amount of checks written or deposited, dates, reasons, names of people or companies involved, and other important information.
- **Keep receipts and notes, even for small expenses.** For example, write "\$50, groceries, ABC Grocery Store, May 2" in your records soon after you spend the money.
- **Avoid paying in cash.** Try not to pay Martina's expenses with cash. Also, try not to use her ATM card to withdraw cash or write checks to "Cash." If you need to use cash, be sure to keep receipts or notes.
- **Getting paid?** Alabama law says you can be paid for acting as agent unless the power of attorney says otherwise. If you will be paid, be sure you charge a reasonable fee. It is up to you to keep detailed records as you go along of what work you did, how much time it took, when you did it, and why you did it.



More things you should know

▶ What if there are other fiduciaries?

Co-agents

Martina may have named one or more co-agents to act with you. The power of attorney document may say that you and any co-agents must agree on decisions or that majority rules. If the power of attorney document does not say anything, then Alabama law says that each co-agent can make decisions independently.

Either way, you must coordinate with any co-agent and share information about decisions. Even if you and a co-agent don't have to agree on all decisions, you cannot let a co-agent do something that harms Martina. You are still responsible for her and must act in her best interest.

Successor agents

Martina may have named a successor agent to act for her if you are not able to be the agent. A successor agent has no authority if you are still willing and able to act as Martina's agent.

Other types of fiduciary

Other fiduciaries may have authority to make decisions for Martina. For example, she may have a conservator, a representative payee who handles Social Security benefits, or a VA fiduciary who handles Veterans benefits. It is important to work with these other fiduciaries, and keep them informed.

▶ Government benefits require special fiduciaries

As agent, you cannot manage Martina's government benefits such as Social Security or VA benefits unless you get a separate appointment from the government agency as, for example, a representative payee or VA fiduciary. For more information, contact the government agency.

▶ How can you avoid problems with family or friends?

Family or friends may not agree with your decisions about Martina's money and property. To help reduce any friction, follow the four duties described above and the guidelines we've given you.

Check what the power of attorney says about sharing your records. Sharing information may help even if the power of attorney doesn't require you to turn over records to family or friends. For example, you might want to share any accountings you prepare or summaries of how you've spent Martina's money, unless Martina has said that you should not. It usually is easier

to deal with questions about a decision when it happens than to deal with suspicion and anger that may build over a long time.

Some family or friends may be so difficult that it is better not to share information with them. Use your best judgment and always keep Martina's best interests in mind. In the end, you have to make the final decisions.

If family or friends don't agree with your decisions, get advice from a lawyer about sharing information and finding other ways of trying to sort out problems, such as talking with a family counselor or mediator. The Alabama Center for Dispute Resolution maintains a list of registered mediators at www.alabamaadr.org.

► What should you know about working with professionals?

In managing Martina's affairs, you may need help from professionals such as lawyers, brokers, financial advisors, accountants, real estate agents, appraisers, psychologists, social workers, doctors, nurses, or care managers. You can pay them with Martina's money. If you need help from any professionals, remember these tips:

- **Check on the professional's qualifications.** Many professionals must be licensed or registered by a government agency. Check credentials with the government agency. Make sure the license or registration is current and the professional is in good standing. Check the person's complaint history.
- **Interview the professional thoroughly and ask questions.**
- **Review contracts carefully before signing.** Before hiring any professionals, get their proposed plan of work and expected fee.
- **Make your own decisions based on facts and advice.** Listen to their advice, but remember you are the decision-maker.



Watch out for financial exploitation

Family, friends, neighbors, caregivers, fiduciaries, business people, and others may try to take advantage of Martina. They may take her money without permission, fail to repay money they owe, charge her too much for services, or just not do things she has paid them to do. These may be examples of financial exploitation or financial abuse. As Martina's agent, you should help protect her. You should know the signs of financial exploitation for five important reasons:

1. Martina may still control some of her funds and could be exploited;
2. Even if Martina does not control any of her funds, she still may be exploited;
3. Martina may have been exploited already, and you may still be able to do something about that;
4. People may try to take advantage of you as Martina's agent; and
5. Knowing what to look for will help you avoid doing things you should not do, protecting you from claims that you have exploited Martina.

Look for these common signs of financial exploitation

- **You think some money or property is missing.**
- **Martina says that some money or property is missing.**
- **You notice sudden changes in Martina's spending or savings.** For example, she:
 - Takes out lots of money from the bank without explanation;
 - Tries to wire large amounts of money;
 - Uses the ATM a lot;
 - Is not able to pay bills that are usually paid;
 - Buys things or services that don't seem necessary;
 - Puts names on bank or other accounts that you do not recognize or that she is unwilling or unable to explain;
 - Does not get bank statements or bills;
 - Makes new or unusual gifts to family or others, such as a "new best friend";
 - Changes beneficiaries of a will, life insurance, or retirement funds; or
 - Has a caregiver, friend, or relative who suddenly begins handling her money.

- **Martina says she is afraid or seems afraid of a relative, caregiver, or friend.**
- **A relative, caregiver, friend, or someone else keeps Martina from having visitors or phone calls, does not let her speak for herself, or seems to be controlling her decisions.**

What can you do if Martina has been exploited?

- Call 911 if Martina is in immediate danger.
- Call DHR Adult Protective Services (APS) if you suspect that Martina has been physically abused, neglected, or exploited. The role of APS is to investigate reports and to provide or arrange services to victims.
- If you think Martina has been or will be the victim of a crime, call the police or sheriff.
- Alert Martina's bank or credit card company.
- Call your county district attorney's office or the Alabama Attorney General's Office.
- If Martina is in a nursing home or assisted living, and you suspect she is being exploited by an employee, contact the Alabama Department of Public Health.
- If Martina is in a nursing home or assisted living, and you suspect she is being exploited by someone other than an employee, contact the Alabama Long-Term Care Ombudsman Program.
- Call the Alabama Securities Commission if the exploitation deals with individuals or firms that sell securities and/or provide investment advice.
- Consider talking to a lawyer about protecting Martina from more exploitation or getting back money or property taken from her.
- Each agency or professional has a different role, so you may need to call more than one. For more information, see *Where to go for help* on page 19 of this guide.

Be on guard for consumer scams

As Martina's agent, you should be alert to protect her money from consumer scams as well as financial exploitation. Criminals and con artists have many scams, and change them all the time. They often seek unsuspecting people who have access to money. Learn to spot consumer scams against Martina—and against you as her agent.

▶ How can you protect Martina from scams?

Consumer scams happen on the phone, through the mail, e-mail, or over the Internet. They can occur in person, at home, or at a business. Here are some tips:

- **Help Martina put her number on the National Do Not Call Registry.** Go to www.donotcall.gov or call 1-888-382-1222.
- **Don't share numbers or passwords for Martina's accounts, credit cards, or Social Security number,** unless you know whom you're dealing with and why they need the information.
- **After hearing a sales pitch, take time to compare prices.** Ask for information in writing and read it carefully.
- **Too good to be true?** Ask yourself why someone is trying so hard to give you a "great deal." If it sounds too good to be true, it probably is.
- **Watch out for deals that are only "good today" and that pressure you to act quickly.** Be suspicious if you are not given enough time to read a contract or get legal advice before signing. Also watch out if you are told that you need to pay the seller quickly, for example by wiring the money or sending it by courier.
- **Never pay up front for a promised prize.** Suspect a scam if you are required to pay fees or taxes to receive a prize or other financial windfall.
- **Watch for signs Martina already has been scammed.** For example, does she receive a lot of mail or e-mail for sweepstakes? Has she paid people you don't know, especially in other states or countries? Has she taken a lot of money out of the bank while she was with someone she recently met? Does she have a hard time explaining how she spent that money? Is she suddenly unable to pay for food, medicine, or utilities?

Common Consumer Scams

Relative in Need	Someone who pretends to be a family member or friend calls or emails you to say they are in trouble and need you to wire money right away.
Charity appeals	You get a call or letter from someone asking for money for a fake charity - either the charity does not exist or the charity did not call or write to you.
Lottery or sweepstakes	You get a call or email that you have a chance to win a lot of money through a foreign country's sweepstakes or lottery. The caller will offer tips about how to win if you pay a fee or buy something. Or the caller or email says you already have won and you must give your bank account information or pay a fee to collect your winnings.
Home Improvement	Scammers take money for repairs and then they never return to do the work or they do bad work. Sometimes they break something to create more work or they say that things need work when they don't.
Free lunch	Scammers invite you to a free lunch and seminar, and then pressure you to give them information about your money, and to invest the money with them. They offer you "tips" or "guaranteed returns."
Free trip	Scammers say you've won a free trip but they ask for a credit card number or advance cash to hold the reservation.
Government money	You get a call or letter that seems to be from a government agency. Scammers say that if you give a credit card number or send a money order, you can apply for government help with housing, home repairs, utilities, or taxes.
Drug plans	Scammers pretend they are with Medicare prescription drug plans, and try to sell Medicare discount drug cards that are not valid. Companies with Medicare drug plans are not allowed to send unsolicited mail, emails or phone calls.
Identity theft	Scammers steal personal information - such as a name, date of birth, Social Security number, account number, and mother's maiden name - and use the information to open credit cards or get a mortgage in someone else's name.
Fake "official" mail	Scammers send letters or emails that look like they are from a legitimate bank, business, or agency to try to get your personal information or bank account number.

▶ **What can you do if Martina has been scammed?**

If you suspect a scam, get help. Contact the police or sheriff, state, or federal agency, depending on the type of scam. You may also need to talk to a lawyer.

A state agency to call is the Alabama Attorney General’s Office--Consumer Interest.

Call a federal agency if scammers are in other states or countries. Federal agencies are the Consumer Financial Protection Bureau, the FBI, the Federal Trade Commission, or the U.S. Postal Inspection Service.

Each of these agencies and professionals has a different role so you may need to call more than one.

For more information, see *Where to go for help* on page 19 of this guide.



Protection from ID theft and fraud



Protecting Martina from financial exploitation and scams is among your important responsibilities. Starting September 21, 2018, a new Federal law lets some financial caregivers request a security freeze, also called a credit freeze, on their loved one's behalf. Taking this step can help protect them from identify theft and fraud.

▶ Anyone can be a victim of identity theft

Identity theft happens when someone steals personal information, such as a Social Security number. That lets hackers, thieves, and even people you know open new credit cards and other financial accounts in your name. A security freeze restricts access to your credit reports and makes it hard for identity thieves to open new accounts in your name. Under the new law, it's free to freeze and unfreeze your credit file at all three of the nationwide consumer reporting agencies – Equifax, Experian, and TransUnion.

▶ Help for financial caregivers

But what about Martina who can't manage her finances on her own? The new law lets people with certain legal authority act on someone else's behalf to freeze and unfreeze their credit file. The new law defines a "protected consumer" as an incapacitated person, someone with an appointed guardian or conservator, or a child under the age of 16.

When you're acting on behalf of Martina, you must give the credit reporting agencies proof of authority before you can freeze and unfreeze her credit. Proof of authority includes:

- A court order (such as an order naming you guardian or conservator)
- A valid power of attorney

You'll also need to provide proof of your identity, which can be your Social Security card, your birth certificate, your driver's license, or other government issued identification.

If you believe a credit reporting agency is not placing a security freeze properly, you can submit a complaint to the Consumer Financial Protection Bureau at consumerfinance.gov/complaint.

If you think you or someone you know is a victim of identity theft, visit the Federal Trade Commission's IdentityTheft.gov to get a personalized step-by-step recovery plan.

Where to go for help

▶ Local and state agencies

Alabama Attorney General's Office

The Office of the Attorney General has an Office of Consumer Interest. The Office provides consumer-related information and education to the public on how to watch for scams and avoid becoming a victim of fraud, and serves as a mediator of disputes between consumers and businesses involving retail transactions. The Office receives calls and complaints regarding fake check scams, telemarketing scams, mortgage fraud, and other consumer-related frauds.

Office of Consumer Interest: 1-800-392-5658

<https://ago.alabama.gov/ConsumerComplaint>

Alabama Crime Victims Compensation Commission

Provides assistance to innocent victims of violent crime by compensating for eligible expenses. Anyone can request information or applications.

Phone Number: 334-290-4420

Phone Number for Victims: 1-800-541-9388

www.acvcc.alabama.gov

Alabama Department of Human Resources: Adult Protective Services

Adult Protective Services receives and investigates reports of suspected adult or elder abuse, neglect, or exploitation. To make a report, call the 24 hour, toll-free hotline.

Adult Abuse Hotline: 1-800-458-7214

www.dhr.alabama.gov

Alabama Department of Public Health

If you have a complaint about the care of a resident in a nursing home in Alabama, the Alabama Department of Public Health, Bureau of Health Provider Standards, has various ways to file a complaint with the Alabama State Survey Agency.

ElderCare Hotline: 1-800-356-9596

Email: NHComplaints@adph.state.al.us

Alabama Department of Senior Services: Area Agencies on Aging and Disability Resource Centers

The Alabama Department of Senior Services is a state agency that administers numerous programs for senior citizens and people with disabilities.

Phone Number: 1-800-AGELINE (1-800-243-5463)

www.alabamaageline.gov

Alabama Department of Veterans Affairs

The Alabama Department of Veterans Affairs promotes awareness, assists eligible veterans, their families, and survivors to receive from the U.S. and State Governments any and all benefits to which they may be entitled under existing or future laws to be enacted. To locate the nearest Veterans Service Office to you, select your home county using the dropdown menu on the website listed below, then click on the 'Get County Information' button OR click on the desired county using the map.

http://va.alabama.gov/county_select.aspx

Alabama Long-Term Care Ombudsman Program

If you have concerns about the health, safety, or welfare of a loved one in a long-term care facility, contact your local ombudsman or the State Ombudsman. The Ombudsman can help with resident rights, care provided, and transfers/discharges.

Phone Number: 1-800-243-5463

www.alabamaageline.gov/long-term-care.html

Alabama Medicaid Agency

Basic Eligibility Questions: 1-800-362-1504

Fraud and Abuse Reporting: 1-866-452-4930

www.medicaid.alabama.gov

Alabama Securities Commission

The Alabama Securities Commission is responsible for regulating the securities industry in the State of Alabama. The Commission is committed to protect investors against securities fraud and provides aggressive enforcement actions against any firm or individual who has violated the Alabama Securities Act or other state and federal statutes to the detriment of Alabama investors.

To file a complaint:

Phone Number: 1-800-222-1253

Email: asc@asc.alabama.gov

www.asc.alabama.gov/complaints.aspx

Eldercare Locator

Eldercare Locator is a public service of the U.S. Administration on Aging that connects older adults and their families to local community resources.

Phone Number: 1-800-677-1116

<https://eldercare.acl.gov/Public/index.aspx>

Law Enforcement

Find a law enforcement agency (police, sheriff, state troopers and State Bureau of Investigation) in Alabama by checking these directories.

www.alea.gov/contact-alea

www.policeone.com/law-enforcement-directory/Alabama-Agencies/

► Federal agencies

Numerous federal agencies play a role in combatting fraud and abuse and educating consumers. Contact them for more information.

Consumer Financial Protection Bureau

1-855-411-CFPB (2372)

www.consumerfinance.gov

Do Not Call Registry

1-888-382-1222

www.donotcall.gov

Federal Bureau of Investigation (FBI)

www.fbi.gov/scams-and-safety

Birmingham FBI Field Office (Northern District of Alabama)

1000 18th Street North
Birmingham, AL 35203
www.birmingham.fbi.gov
Phone: (205) 326-6166

Mobile FBI Field Office (Middle and Southern Districts of Alabama)

200 North Royal Street
Mobile, AL 36602
www.mobile.fbi.gov
Phone: (251) 438-3674

Federal Trade Commission

1-877-FTC-HELP (382-4357)

www.consumer.ftc.gov

Financial Fraud Enforcement Task Force

www.stopfraud.gov

Postal Inspection Service

1-877-876-2455

<https://postalinspectors.uspis.gov>

Social Security Administration – Information for Representative Payees

1-800-772-1213

www.ssa.gov/payee

Veterans Affairs – Information for VA Fiduciaries

1-888-407-0144

www.benefits.va.gov/fiduciary

► For legal help

Alabama State Bar

The Alabama State Bar promotes public access to high quality legal services regardless of financial or other circumstances. The Lawyer Referral Service is a state bar program which helps members of the public who can afford to pay a lawyer find an attorney who handles their type matter. The Volunteer Lawyers Programs (VLP) provide free legal services in certain civil matters to low-income individuals who qualify.

- Lawyer Referral Service: 1-800-392-5660
- Birmingham VLP: 205-250-5198
- Madison County VLP: 256-539-2275
- Montgomery County VLP: 334-265-0222
- South Alabama VLP (Baldwin, Clarke, Mobile, and Washington Counties): 251-438-1102
- All Other Counties VLP: 1-888-857-8571

www.alabar.org/for-the-public/need-legal-help/

Alabama Disabilities Advocacy Program (ADAP)

The Alabama Disabilities Advocacy Program (ADAP) is part of the nation's federally-funded protection and advocacy system. ADAP provides legal services to Alabamians with disabilities to protect, promote and expand their rights. ADAP is part of the National Disability Rights Network.

Phone Number: 1-800-826-1675

www.adap.ua.edu

FindLegalHelp.org

This is a web page sponsored by the American Bar Association. It provides sources of help for people who qualify as low-income. It also provides resources to hire lawyers.

www.findlegalhelp.org

Legal Services Alabama

Legal Services Alabama serves low-income people by providing free civil legal aid and assistance and by promoting collaboration to find solutions to problems of poverty from seven offices located in: Anniston/Gadsden, Birmingham, Dothan, Huntsville, Mobile, Montgomery, Selma and Tuscaloosa, covering all 67 Alabama counties.

1-866-456-4995

<https://legalservicesalabama.org/>

Mediators

The Alabama Center for Dispute Resolution maintains a list of registered mediators at (334) 356-3802 or www.alabamaadr.org

For accounting help

Alabama Society for CPAs

Phone: (800) 227-1711 or (334) 834-7650



**For more information about Alabama Wings,
visit: <http://alabamawings.alacourt.gov/>**

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