

MANAGING SOMEONE ELSE'S MONEY

Help for court-appointed conservators in Arizona

About the Consumer Financial Protection Bureau

The Consumer Financial Protection Bureau, or CFPB, is focused on making markets for consumer financial products and services work for families – whether they are applying for a mortgage, choosing among credit cards, or using any number of other consumer financial products. We empower consumers to take more control over their financial lives.

The CFPB Office for Older Americans is the only federal office dedicated to the financial health of Americans age 62 and over. Along with other agencies, the Office works to support sound financial decision-making and to prevent financial exploitation of older adults. To help people (including family members) with legal authority to handle an older person’s money, the Office contracted and worked closely with the American Bar Association Commission on Law and Aging (ABA Commission) and state professionals to prepare this guide.* Though the guide was developed by the ABA Commission, it is not intended to provide legal advice or serve as a substitute for your own legal counsel. If you have questions or concerns, we recommend that you seek the guidance of the appropriate legal professional.

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What’s inside

- About the Consumer Financial Protection Bureau..... 1**
- Why read this guide? 5**
 - What is a fiduciary? 6
 - Conservator questions and answers 6
- Four basic duties of a fiduciary 8**
 - Duty 1 | Act only in Martin’s best interest..... 8**
 - Duty 2 | Manage Martin’s money and property carefully 10**
 - Duty 3 | Keep Martin’s money and property separate 14**
 - Duty 4 | Keep good records and report to the court 15**
- More things you should know..... 17**
 - What if there are other fiduciaries?..... 17
 - Government benefits require special fiduciaries..... 17
 - How can you avoid problems with family or friends?..... 18
 - What should you know about working with professionals? 18
- Watch out for financial exploitation 19**
 - Look for these common signs of financial exploitation 19
 - What can you do if Martin has been exploited? 20
- Be on guard for consumer scams 21**
 - How can you protect Martin from scams? 21
 - What can you do if Martin has been scammed?..... 22
- Where to go for help 24**
 - Local and state agencies 24
 - Federal agencies..... 26
 - For legal help..... 26
 - For accounting help..... 27

Why read this guide?

Like many people, you may never have been a conservator of someone else's property before. That's why we created *Managing someone else's money: Help for court-appointed conservators in Arizona*. This guide will help you understand what you can and cannot do in your role as a **conservator**. In that role, you are a **fiduciary**. For this guide, a fiduciary is anyone named to manage money or property for someone else. 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 a conservator, 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 *how to become a conservator*, this guide is not designed for you. Talk to a lawyer or read *A Guide to Guardianship and Conservatorship* from the State Bar of Arizona, www.azbar.org/workingwithlawyers/topics/aguidetoguardianshipandconservatorship.

Let's start with a scenario about how you might have become a conservator:

Your family member or friend may not be able to make decisions on his own about his money and property. For this guide, let's call him Martin. After a hearing, the court has appointed you **conservator** for Martin. You now have the duty and power to make decisions on Martin's behalf about some or all of his money and property.

The court has given you a lot of responsibility as Martin's conservator.

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**. The law requires you to manage Martin's money and property for HIS 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 Martin, you have four basic duties that you must keep in mind:

1. Act only in Martin's best interest.
2. Manage Martin's money and property carefully.
3. Keep Martin's money and property separate from yours.
4. Keep good records.

As a fiduciary, you must be 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 is not your money!

Conservator questions and answers

What is a conservator?

A **conservator** is someone the court appoints to manage money and property for someone else whom the court has found cannot manage it alone.

Sometimes a conservator is also appointed as **guardian**. A guardian makes Martin's health care and other personal decisions. Sometimes a different person is appointed to be the guardian, or Martin himself may still be able to make some or all of these personal decisions.



Different types of fiduciaries exist

In your role as conservator, 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.

Agents under a durable power of attorney—someone names an agent to manage their money and property in case they are not able to do it.

Other guides explaining the duties of these fiduciaries are at: www.consumerfinance.gov/managing-someone-elses-money.

This guide only covers duties of the conservator.

What are your responsibilities as a conservator?

As conservator, you have a double duty—both to Martin, the person you are serving, and to the court.

DUTY TO MARTIN

You must always keep Martin’s best interests in mind. In managing his money, you must act for his good and not for your own good. Involve Martin in decisions as much as possible.

DUTY TO THE COURT

You are an agent of the court. The court has trusted you. You must report to the court regularly and be ready to answer any questions.

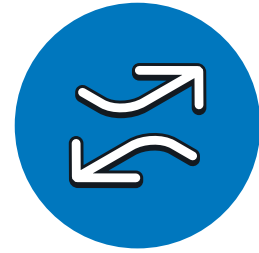
When do your responsibilities end?

Your responsibilities as Martin’s conservator last until the court relieves you of your duties. The court may do this because someone else has been appointed, Martin has died, or Martin no longer needs a conservator.



Don't expect others to know what a conservator is or does.

They may not understand that you have been appointed by the court. They may think you have more authority or less authority than you really have. You may need to educate them. You could show them this guide and a copy of the court order appointing you.



Four basic duties of a fiduciary

Duty 1 | Act only in Martin's best interest

Because you are dealing with Martin's money and property, your duty is to make decisions that are best for him, as well as any dependents he has. This means you must ignore your own interests and needs, or the interests and needs of other people.

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

- **Read the court order.** Your powers and duties as Martin's conservator are written in Arizona law. They also may be written in the court order that appointed you. Some court orders may be detailed, while others may be very general. Read the court order closely, and talk to a lawyer if you don't understand it. Ask questions and learn all you can about what you should do—and what you should not do. A checklist and review is in the Order and the Acknowledgement signed by the judge.
- **Do what the court order says—and don't do what it says you should not do.** It is important that you not act beyond what the law and the court order allow, and that you carry out the basic tasks necessary. Your powers may be limited to certain actions or certain amounts of money. You may need to get the court to approve other actions. Even if you have the best intentions, follow the court order.
- **Take the required training.** The Arizona Supreme Court requires any person who is a non-licensed fiduciary or financial institution to complete a Court-approved training, before appointment as a conservator. Take the training for free online at www.azcourts.gov/probate/Training.

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 Martin's money to buy a car. You use it to drive him 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?

Martin needs repair work in his apartment. You hire your son and pay him from Martin'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 Martin's interests.

- **As much as possible, involve Martin in decisions.** Many things can affect your decisions. For example, you might feel pressure from others. Martin’s abilities to make decisions might change from time to time, or maybe Martin was never able to make decisions about his money and property. Consider these three steps:
 - **First, ask Martin what he wants.** He may be able to decide some things. If so, take this into account, especially if it is similar to his thinking in the past and the risk of harm to him is not unreasonable. For example, if Martin wants to handle money, see if he can manage a small bank account or a monthly cash allowance. Doing this will let him be in charge of a set amount, and you will limit the risk to that amount.
 - **Second, try to find out what Martin would have wanted.** Look at any past decisions, actions, and statements. Find as much information as you can. Ask people who care about Martin what they think he would have wanted. Make the decision you think that Martin would have made, unless doing so would harm him.
 - **Third, do what you think is best for him.** If you have looked hard and still don’t know what Martin would have wanted—or if Martin could never make decisions about money and property—use your judgment about what is best. Put Martin’s well-being above saving money for others who may inherit his money and property. Make sure that he is safe and comfortable, and his needs are met.
- **Avoid conflicts of interest.** A conflict of interest happens if you make a decision about Martin’s property that may benefit someone else at Martin’s expense. Because you were appointed by the court, you have a strict duty to avoid conflicts of interest—or even the appearance of a conflict of interest. Try to keep an “arm’s length distance” between your interests and any use of Martin’s money.
- **Don’t borrow, loan, or give Martin’s money to yourself or others.** The court may authorize you to make gifts from Martin’s money if they are in Martin’s best interests and in line with what Martin would have wanted. For example, if Martin gave money every year to a charity, the court may allow you to continue doing that. A general rule is that you should not accept gifts from Martin, and you should not provide a gift for someone else from Martin, without court approval. Even if the court clearly allows gifts to you or others, be very careful to avoid conflicts of interest. Make sure that any gifts do not increase or complicate Martin’s taxes or change his plans for his property when he dies.
- **Avoid changing Martin’s plans for giving away his money or property when he dies.** There may be rare situations when changing Martin’s plans is in his best interest. But you should get legal advice and approval from the court before you do anything.

- Generally, unless you are family, a financial institution or a fiduciary licensed by the Arizona Supreme Court, you are not entitled to payment for your services as Martin’s conservator. If you are related to Martin, and you **plan to pay yourself for the time you spend acting as his conservator**, you must file a written notice with the court. Get legal advice, and carefully document how much time you spend and what you do.

To avoid any surprises or misunderstandings, tell family about your fees when you begin your duties as a conservator. Don’t charge fees that are overly high, and don’t charge for things you do that are not specifically part of your role as conservator. For instance, don’t charge fees if you shop for Martin or personally make home repairs. If necessary, you can pay someone else at a lower rate for these tasks and document the expenses.

Duty 2 | Manage Martin’s money and property carefully

As Martin’s conservator, you might pay bills, oversee bank accounts, or pay for things he needs. You might also make investments, pay taxes, collect rent or unpaid debts, get insurance if needed, cancel any unneeded insurance, and do other things stated in the court order. Your authority is limited to financial decisions, so work with Martin or any other decision-makers on choices important to Martin.

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

Follow these guidelines strictly according to the court’s procedures:

- **Make an inventory.** To make careful decisions, you need to know what Martin owns and owes. To make a proper inventory, you must find and list for the court all of Martin’s income and property, as well as any debts or legal claims against his properties (called liens). You must also include a copy of Martin’s credit report from a credit agency. You must file the inventory with the court within 90 days of your appointment as conservator. To avoid any risk to Martin’s money and property, you must make the inventory as quickly as possible.

An inventory may include all kinds of property. 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 Martin is a beneficiary
 - Stocks and bonds
 - Jewelry, furniture, and any other items of value
 - Unpaid credit card bills and other outstanding loans
- **File a budget.** You must also make and file a budget with the court at the time of filing your inventory. In this budget you must give Martin’s expected income and expenses during the first nine months of the conservatorship, as well as the next 12 months. You must submit a new budget to the court every year after that with your annual accounting. Also, each year you must provide any updates to the inventory, and estimate how long you think Martin’s money will last. The court’s required forms for the inventory and the budget are at www.azcourts.gov/probate/ProbateForms/ConservatorAccountForms.aspx#Form.
 - **File the inventory and budget with the court.** Keep a copy of the inventory and budget for your records and file them with the court within 90 days of your appointment. Be ready to share them with family listed with the court as interested parties.
 - **The court will probably require you to buy a bond.** A bond is a special type of insurance policy so the court can make sure you carry out your duties. If you fail in your duties and, as a result, Martin’s money is lost or stolen, the bonding



Tips for making an inventory

Don’t leave anything out.

Even if you know Martin wants you to have certain things and says so in his will, list them in the inventory. A proper inventory lists everything according to the court’s rules. Do not decide that some things should not be listed.

Search carefully.

Look carefully to find everything Martin owns. Search his mail and home. Look for real estate by talking to family or advisors and looking through land records. Track down letters from creditors to find unpaid debts. Take valuable items to an appraiser.

Verify if necessary.

It is a good idea to have someone else check the list, especially if family might argue over Martin’s money and property.

company will pay the money back to Martin. Then the company will try to collect the money from you. You may use Martin's money to pay for the bond.

If you have had a bankruptcy, are unemployed, or have little money and property of your own, you will not likely be able to get a bond. Try to check this before you are appointed as conservator or as soon as possible. Take all steps the court advises about getting a bond. If you cannot get a bond, you may not be able to serve as conservator.

Sometimes, the court will require you to place some of Martin's money not needed for his ordinary living expenses in a **restricted account**. The judge will tell the bank to block the account so that you cannot take out money without court approval. If the court restricts other property besides cash—such as real estate, stocks or bonds—you may not sell or transfer them without a court order. As conservator, you must use the form required by the court for any restriction. Have it signed by the bank or brokerage firm, and file it with the court on time. Follow the court's guidance if real estate is restricted.

- **Protect Martin's property.** Keep his money and property safe. Have Martin's income and bills sent to you. Put his valuable items in safe deposit boxes and lock other items he is not using in storage. Keep Martin's cash in bank accounts that earn interest if possible and that have low or no fees. Review bank and other financial statements promptly. If Martin will not be living in his home, consider changing the locks. Figure out if the house should be rented, or how to keep it safe if it is vacant. If Martin rented an apartment and will be moving, tell the landlord, remove his things, and have the apartment cleaned.
- **Make a financial plan.** When you prepare the budget required by the court each year, make it as if you were making one for your own household. List how much you expect to pay for nursing home, assisted living or home care, rent, food, medical care, and home maintenance or repair. Be sure to include a monthly amount for Martin to use as he pleases. Think about any special expenses that may arise, such as dental work or any medical care or equipment that Medicare, Medicaid, or other health insurance will not cover. Try to stick to your budget. If something very costly occurs, you may need the court to approve the expense.

As conservator, you must keep track of the expenses in the budget as you go along, and tell the court and all interested parties if you think you will go over the budget by 10% or \$2,000, whichever is lower. You must also tell the court if you think the expenses will be more than Martin's annual income, and if so, what money or property Martin has to provide for his needs. For information on how to do this, see www.azcourts.gov/probate/Probate.aspx.

- **Invest carefully.** If you are making investments for Martin, 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 your choices and goals for investing based on Martin’s needs and values.
- **Pay bills and taxes on time.**
- **Cancel any insurance policies that Martin does not need.**
- **Collect debts.** Find out if anyone owes Martin money, and try to collect it.
- **There’s no place like home.** Martin may want to continue to live in the home he owns or rents, or he may be moving to a new place. Take these steps:
 - **Determine if living in his home is safe,** and if Martin can manage in the house. If needed, put in guard rails, grab bars, smoke detectors, extra lighting, and other things to help him stay at home. Tax credits or deductions might be available if you modify the home.
 - **Work with others,** including any decision-makers (such as an agent under a health care power of attorney or any guardian if you have not been appointed to fill this role). Sometimes a geriatric care manager can help you find resources about modifying Martin’s home or getting services in his home. You can pay the geriatric care manager with Martin’s money.
 - If it is not safe to live at home even with changes—or if Martin wants to move—**consider other places that meet Martin’s needs. Try to keep him connected to people and things important to him.** Choices might be living with someone else, or living in a retirement community, a senior apartment, group home, assisted living, or nursing home. You may need court approval for a move.
 - **Consider whether you need to sell Martin’s home.** The court order may not allow you to sell Martin’s real estate. In any case, it is good practice to get court approval to sell, mortgage, or lease any property.

Can Martin get any benefits?

Find out if Martin 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 him apply for those benefits. The Area Agency on Aging where Martin lives can help you find information. Find the local Area Agency on Aging through the Arizona Division of Aging and Adult Services at des.az.gov/services/aging-and-adult/aging-and-disability-services/area-agency-aging.

Medicaid is complicated

Get legal advice and be very careful about decisions that may affect Martin's eligibility for Medicaid. The Medicaid program provides medical assistance and long-term care to low-income people. In Arizona, the Medicaid program is called the Arizona Health Care Cost Containment System (AHCCCS). For long-term care, it is called the Arizona Long Term Care System (ALTCSS). For information, visit: www.azahcccs.gov.

Duty 3 | Keep Martin's money and property separate

Never mix Martin'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 the court.

Follow these guidelines:

- **Separate means separate.** Never deposit Martin's money into your own or someone else's bank account or investment account.
- **Avoid joint accounts.** If Martin already has money in a joint account with you or someone else, get legal advice before making any change.
- **Keep title to Martin's money and property in his own name.** This is so other people can see right away that the money and property is Martin's and not yours. Ask the bank for a conservatorship or fiduciary account that shows you are managing the account for Martin.

- **Know how to sign as conservator.** Sign all checks and other documents relating to Martin’s money or property to show that you are Martin’s conservator. For example, you might sign: “Juan Doe, as conservator for Martin Roe.” Never just sign “Martin Roe.”
- **Pay Martin’s expenses from his 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, save receipts for the expense and keep a good record of why, what, and when you paid yourself.

Duty 4 | Keep good records and report to the court

You must keep true and complete records of Martin’s money and property.

As conservator, the court or a lawsuit can challenge you to show everything you’ve done with Martin’s money and property. Always be ready to share your records with the court.

Practice good recordkeeping habits:

- **Keep a detailed list of everything that you receive or spend for Martin.** Records should include the 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 Martin’s expenses with cash. Also, try not to use an 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?** If you plan to charge a fee to serve as conservator, be sure you charge a reasonable fee. You must file a written notice (a “notice of compensation”) with the court in advance, saying how you plan to figure out what your fee will be. For example, you might propose to charge a certain hourly rate. In the notice, you must state why you think you are entitled to that rate. The court may review your fees each year. 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.

- **File your accountings with the court.** Each year—unless the court orders otherwise—you must report to the court, including giving an accounting of all the money you received and spent. The accounting form is at www.azcourts.gov/probate/ProbateForms.aspx. Use the records you have kept during the year to fill in the form. If you have questions, ask court staff or a lawyer for help.
 - The court will tell you when the accounting is due. Be sure to turn it in on time. If your accounting is late, the court may call you in to explain why.
 - Your accounting must be clear and must “add up.” The accounting should show a beginning balance, income during the year, expenses during the year, and an ending balance. The ending balance for one year should be the same as the beginning balance for the next year.
 - Your court may have a specific way to write up the accounting, and these requirements may change over time. Try to understand in advance what is needed, so that your accounting is not rejected for a minor problem. Ask for an example of a correct accounting. You may need an accountant to help.

- **File a final accounting after Martin dies.** Notify the court when Martin dies. You must file a notice of death with the court within 10 business days after his date of death. Use the “final conservator’s account form” at www.azcourts.gov/probate/ProbateForms.aspx to make a final accounting of Martin’s money and property. Ask for an order releasing you from your duties. The final accounting is due within 90 days from the date of his death.
 - Sometimes, you may need to pay final bills or make final arrangements, especially if no one else can do it. For example, you may need to pay funeral expenses and final medical bills. Under Arizona law, there are rules about which creditors should get paid first and what happens if there is not enough money to pay all creditors. If you are unsure about paying creditors, get legal advice.
 - If Martin did not already make funeral or burial arrangements, look for any directions he may have left—perhaps in health care advance directives or remarks to family or friends.
 - A personal representative (sometimes called an “executor”) appointed by the court or a trustee named in a trust will handle Martin’s money and property after you turn them over. Hold Martin’s personal things safely until they are transferred to whomever is to receive them. If you are the one named to handle Martin’s money and property after his death, make sure you understand when your duties as conservator end and your new duties begin. You may need to file a supplemental final accounting that shows the court what you did with Martin’s money before you turned it over to others.

More things you should know

What if there are other fiduciaries?

Co-conservators or guardians

The court may have named someone else to act with you as Martin's conservator, or it may have named someone else to act as Martin's guardian to make health care and other personal decisions.

Any other conservators or guardians will be your partners in making decisions on Martin's behalf and in helping him make decisions if he is able. You must work closely together. For example, if Martin will move to a new location or get special care, his conservators and guardians must make important personal and financial decisions. You must consult with one another.

Other types of fiduciaries

Other fiduciaries may have authority to make decisions for Martin. For example, he may have an agent under a durable power of attorney, 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 conservator, you cannot manage Martin'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 Martin's money and property. To help reduce any friction, follow the four duties described above and the guidelines we've given you.

- Consider whether sharing information might help and is allowed (unless Martin has said that you should not). The court may require you to send accountings to family and friends, or may say you should not. If there is no direction from the court, get court approval before sharing information.
- If family or friends question or don't agree with your decisions, get advice from a lawyer about sharing information and finding other ways of sorting out problems, such as talking with a family counselor or mediator. See *Where to go for help* on page 24 of this guide.

What should you know about working with professionals?

In managing Martin'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 Martin'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 Martin. They may take his money without permission, neglect to repay money they owe, charge him too much for services, or just not do things he has paid them to do. These may be examples of *financial exploitation* or *financial abuse*. As Martin's conservator, you should help protect him. You should know the signs of financial exploitation for five important reasons:

1. Martin may still control some of his funds and could be exploited.
2. Even if Martin does not control any of his funds, he still may be exploited.
3. Martin 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 Martin's conservator.
5. Knowing what to look for will help you avoid doing things you should not do, protecting you from claims that you have exploited Martin.

Look for these common signs of financial exploitation

- **You think that some money or property is missing.**
- **Martin says that some money or property is missing.**
- **You notice sudden changes in Martin's spending or savings.** For example, he:
 - 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 he 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
 - Has a caregiver, friend, or relative who suddenly begins handling his money
- **Martin says he is afraid or seems afraid of a relative, caregiver, or friend.**
 - **A relative, caregiver, friend, or someone else keeps Martin from having visitors or phone calls, or does not let him speak for himself, or seems to be controlling his decisions.**

What can you do if Martin has been exploited?

- Call the emergency 911 number if Martin is in immediate danger.
- Call Adult Protective Services (APS). Arizona law requires you to make a report to APS as well as to the court if you suspect that Martin has been exploited. The role of APS is to investigate reports and to provide or arrange for services to victims.
- If you think that Martin has been or will be the victim of a crime, call the local police or sheriff.
- Alert Martin’s bank or credit card company.
- Call the local prosecutor or county attorney, or the Arizona Attorney General.
- Call the Long-Term Care Ombudsman program or the Medicaid Fraud Control Unit if Martin is in a nursing home or assisted living.
- Consider talking to a lawyer about protecting Martin from more exploitation or getting back money or property taken from him.

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 24 of this guide.

Be on guard for consumer scams

As Martin’s conservator, you should be alert to protect his 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 Martin—and against you as his conservator.

How can you protect Martin from scams?

Consumer scams happen on the phone; through the mail, e-mail, or the Internet; and they occur in person, at home, or at a business.

Here are some tips:

- **Put Martin’s 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 Martin’s accounts, credit cards, or Social Security,** 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 Martin already has been scammed.** For example, does he receive a lot of mail or e-mail for sweepstakes? Has he paid people you don't know, especially in other states or countries? Has he taken a lot of money out of the bank while he was with someone he recently met? Does he have a hard time explaining how he spent that money? Is he suddenly unable to pay for food, medicine, or utilities?

What can you do if Martin has been scammed?

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

Local agencies to call are the Area Agency on Aging, the police or sheriff, or the Better Business Bureau.

State agencies to call are Adult Protective Services, the Long-Term Care Ombudsman program, or the Arizona Attorney General. 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 24 of this guide.

Common consumer scams

SCAM TYPES	DESCRIPTION
Relative in need	Someone who pretends to be a family member or friend calls or e-mails 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 e-mail 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 e-mail 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 e-mails that look like they are from a legitimate bank, business, or agency to try to get your personal information or bank account number.

Where to go for help

The resources below¹ are for Arizona. For information on other states, see the national version of this guide at www.consumerfinance.gov/managing-someone-elses-money.

Local and state agencies

Adult Protective Services

Adult Protective Services (APS) receives and investigates reports of suspected elder or adult abuse, neglect, or exploitation. To make a report, contact the APS Statewide Toll-Free Reporting Line during business hours (Monday-Friday 7 a.m. - 7 p.m. / Saturday-Sunday 10 a.m. - 6 p.m.) at

1-877-SOS-ADULT (1-877-767-2385)

TDD: 1-877-815-8390

FAX (602) 277-4984

Online reports may be made 24 hours a day, 7 days a week at www.azdes.gov/daas/aps

Aging and Disability Resources

State and local agencies can provide information about aging and disability services and whether there are any support groups for fiduciaries or caregivers.

Department of Economic Security, Division of Aging and Adult Services

1-602 542-4446

www.azdes.gov/daas

Websites of the local Area Agencies on Aging:

Maricopa County - Area Agency on Aging, Region One (aaaphx.org)

Pima County - Pima Council on Aging, Region Two (www.pcoa.org)

Yavapai, Coconino, Navaho, Apache Counties - Northern Arizona Council of Governments Area Agency on Aging, Region Three (nacog.org)

Mohave, La Paz, Yuma Counties - Western Arizona Council of Governments Area Agency on Aging, Region Four (www.wacog.com)

Pinal and Gila Counties - Pinal-Gila Council for Senior Citizens Area Agency on Aging, Region Five (www.pgcsc.org)

Cochise, Graham, Greenlee, Santa Cruz Counties - SouthEastern Arizona Governments Organization Area Agency on Aging, Region Six (www.seago.org)

Navajo Nation - Area Agency on Aging, Region Seven (www.naaa.navajo-nsn.gov)

¹ This guide includes links or references to third-party resources or content that consumers may find helpful. The Bureau does not control or guarantee the accuracy of this outside information. The inclusion of links or references to third-party sites does not necessarily reflect the Bureau's endorsement of the third-party, the views expressed on the outside site, or products or services offered on the outside site. The Bureau has not vetted these third-parties, their content, or any products or services they may offer. There may be other possible entities or resources that are not listed that may also serve your needs.

Inter Tribal Council of Arizona, Region Eight
(www.itcaonline.com)

Attorney General

The Office of the Attorney General can take action against consumer fraud.

1-602-542-5025
www.azag.gov

Better Business Bureau

The Better Business Bureau can help consumers with complaints against businesses.

BBB of Central, Northern & Western Arizona
www.bbb.org/phoenix

Maricopa County Campus
info@arizonabbb.org
Phone: 1-602-264-1721 and
1-877-291-6222 (toll-free)
Fax: 1-602-263-0997

Mohave County Campus
Mohave-info@arizonabbb.org
Phone: 1-928-302-3701
Fax: 1-928-597-5111

Yavapai County Campus
Yavapai-info@arizonabbb.org
Phone: 1-928-772-3410
Fax: 1-928771-1343

Yuma County Campus
Yuma-info@arizonabbb.org
Phone: 1-928-919-7940
Fax: 1-928-919-7045

BBB of Southern Arizona
www.bbb.org/tucson
info@tucson.bbb.org
Phone: 1-520-888-5353
Fax: 1-520-888-6262

Long-Term Care Ombudsman Program

Learn about and find resources from the Long-Term Care Ombudsman program on its webpage. Ombudsmen identify, investigate, and resolve complaints about long-term care.

1-602-542-6454
des.az.gov/arizona-long-term-care-ombudsman-resources-and-publications

Find local ombudsmen, who are advocates for residents of long-term care facilities, by locating and contacting the local Area Agency on Aging.

des.az.gov/services/aging-and-adult/aging-and-disability-services/area-agency-aging

Mediators

Find a listing of local mediators on the website of the national Association for Conflict Resolution. Mediation can help resolve disputes and may sometimes be an alternative to legal action.

www.acrnet.org (Click on "Membership," then "Membership Directory," then "Search")

Medicaid/Medical Assistance

The Medicaid program is called the Arizona Health Care Cost Containment System (AHCCCS). For long-term care, it is called the Arizona Long Term Care System (ALTCs). For information, call or visit:

1-602-417-4000

1-800-654-8713 (toll free in-state outside Maricopa County) www.azahcccs.gov

Medicaid Fraud Control Unit

The Medicaid Fraud Control Unit, in the office of the Attorney General, investigates and prosecutes abuse and fraud by health care providers.

1-602-542-3881

www.azag.gov/seniors/mfcu

Police or Sheriff

Find a law enforcement agency by checking the local directory.

Find the county sheriff through the Arizona Sheriffs Association.

www.azcounties.org/index.aspx?NID=173

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 (1-855-411-2372)

www.consumerfinance.gov/

Do Not Call Registry

1-888-382-1222

www.donotcall.gov

Federal Bureau of Investigation

www.fbi.gov/scams-safety

Federal Trade Commission

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

www.consumer.ftc.gov

Financial Fraud Enforcement Task Force

www.stopfraud.gov

Postal Inspection Service

1-877-876-2455

postalinspectors.uspis.gov/

Social Security Administration

1-800-772-1213

www.socialsecurity.gov/payee

Department of Veterans Affairs

1-888-407-0144

www.benefits.va.gov/fiduciary/

For legal help

Free legal services for people over age 60

Find local programs that provide free legal help to people over age 60 through the website of the Arizona Division of Aging and Adult Services.

des.az.gov/services/aging-and-adult/aging-and-disability-services/legal-services-assistance

Free legal services for low-income people

Local programs that provide free legal help to low-income people are:

Community Legal Services, Inc.

Legal Assistance:

1-800-852-9075

www.clsaz.org/

DNA-Peoples Legal Services, Inc.

Legal Assistance: 1-800-789-7287

dnalegalservices.org/

Southern Arizona Legal Aid, Inc.

Legal Assistance: 1-520-623-9461

www.sazlegalaid.org

Free legal services for people with disabilities

The Arizona program that provides free legal help for people with disabilities is the Arizona Center for Disability Law.

1-602-274-6287 (voice or TTY)

1-800-927-2260 (toll free)

www.azdisabilitylaw.org

Fee-for-service lawyers

This is a webpage sponsored by the American Bar Association. It provides information about how to find a lawyer in each state. It also has information about legal resources available in each state, how to check whether a lawyer is licensed, and what to do if you have problems with a lawyer.

www.findlegalhelp.org

The State Bar of Arizona has similar information, including tips on finding a lawyer, talking with a lawyer, and what to do if you have problems with a lawyer.

www.azbar.org/Public


For accounting help


Accountants

Find a local certified public accountant on the website of the American Institute of CPAs.

www.aicpa.org/ForThePublic/FindACPA/Pages/FindACPA.aspx

 consumerfinance.gov

 Consumer Financial Protection Bureau
1700 G Street NW
Washington, DC 20552

 Toll free: (855) 411-CFPB (2372)
TTY/TDD : (855) 729-CFPB (2372)

 info@consumerfinance.gov