



MANAGING SOMEONE ELSE'S MONEY

**Help for court-appointed conservators
of the property in Tennessee**

Acknowledgements

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The Office of Conservatorship Management helps to encourage the responsible, ethical, and appropriate management and treatment of individuals under a Conservatorship or Adult Guardianship within Davidson County. The OCM offers free online training for all Tennessee conservators. Learn more at <https://ocm.nashville.gov/>

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An electronic version can be found at: <https://ocm.nashville.gov/>

These materials are intended for conservators and others as they strive to fulfill their fiduciary duties. While we attempt to thoroughly address specific topics, it is not possible to include discussion of everything necessary to ensure each conservator is informed of all statutory requirements. Thus, this information must be understood as a tool for information, rather than an exhaustive statement of a conservator's legal obligations, which are defined by statute, regulations, and standards. Likewise, to the extent that this information references practices or procedures that may encourage the responsible, ethical, and appropriate management and treatment of individuals under a Conservatorship or an Adult Guardianship, it cannot, and does not, contain all legal obligations. Finally, over time, legislators may modify rules and interpretations in light of new technology, information, or circumstances; to keep apprised of such developments, consult your attorney or review the state statutes. Tenn. Code Ann. § 34

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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 of the property in Tennessee*. This Guide will help you understand what you can and cannot do in your role as a **conservator of the property**. 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 of the property for a loved one - not for professionals or organizations. If you want to learn about how to become a conservator of the property, this Guide is not for you. This Guide does not give you legal advice and it is not intended to take the place of any training required by law or instructions provided by the court. If you have questions about your duties, speak with a lawyer. You may also visit the OCM website for FAQ's, the OCM Conservatorship School, and Educational Videos and Documents at <https://ocm.nashville.gov/>.

Let's start with a scenario about how you might have become a conservator of the property

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 of the property** for Martin. A **conservator** is a person or entity appointed by the Court to provide partial or full supervision, protection and assistance to a respondent. The person may be appointed as conservator of the person to manage medical affairs and activities of daily living; conservator of the property to manage the financial affairs of the respondent; or a conservator of the person and property. You now have the duty and specific 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 of the property. Martin, as a person with a disability, may be especially vulnerable to financial abuse. In Tennessee, the conservator must make decisions that are in the best interest of the person with the disability. This means as Martin's conservator, you are bound to manage, protect and preserve his assets for Martin's best interests. This may involve the sale of Martin's real or personal property. If you think it is in Martin's best interest to sell or otherwise dispose of his property you will need to obtain court permission to do this.

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

Let's Review Some Vocabulary

Conservator of the Property	A conservator of the property is a person appointed by a court to manage some or all the money and real and personal property of a person with a disability.
Conservator of the Person	A conservator of the person is a person appointed by a court to make decisions regarding the personal well-being of a person with a disability, including decisions about medical care, employment, and living arrangements. One person may be appointed as both conservator of the property and conservator of the person, or the court may appoint two different people.
Person with a Disability	A person with a disability, also known as the respondent or an incapacitated person or a ward, is a person for whom the court has appointed a conservator because he or she cannot manage his or her own personal or financial affairs because of a mental or physical condition.
Conflict of Interest	A conflict of interest occurs when a decision puts what is in the best for one person ahead of what is in the best for the other person. A conservator of the property must avoid conflicts of interest by managing the property of the person with a disability in the way that is best for the person with a disability - regardless of what might be good for the conservator or others.
Conservatorship Order	A conservatorship order is an order that a court issues to create a conservatorship and appoint a conservator of the person, property, or both. The order should outline the conservator's powers and duties. This is a separate document from the letters of conservatorship.
Surety Bond	A bond is an insurance policy that the conservator of the property must get and file with the court before managing the property of the person with a disability. It is possible that bond may be waived in the Conservatorship order.
Letters of Conservatorship	Letters of conservatorship is the document issued by the court clerk to the conservator of the property that shows the conservator has authority to manage the property of the person with a disability. This is a separate document from the conservatorship order.
Certificate of Service	A certificate of service lists all interested parties in the conservatorship case who should receive a copy of annual accountings and other court documents where notice to interested parties is required. Interested parties include the respondent and other close family members.
Annual Accounting	An annual accounting is the report the conservator of the property must prepare and file with the court each year that details all of the income received by the estate of the person with a disability and all expenditures paid out from the estate of the person with a disability for the year.
Property Management Plan	A property management plan means the detailed plan (budget) submitted by the fiduciary for the management of the property of a person with a disability.

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.

Remember:
It's not your money!



Different Types of Fiduciaries Exist

In your role as conservator of the property, 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 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:

consumerfinance.gov/managing-someone-elses-money

Conservator of the Property Q&A

What is a Conservator of the Property?

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

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

This Guide only covers duties of the conservator of the property. Terms can differ. In many states a conservator of the property may be called a **guardian** or **conservator of the estate**.

In Tennessee, Martin's money and property is called his **estate**.

In Tennessee, a person under conservatorship may be called an **incapacitated person**, a **person with a disability** or the **respondent**.



Don't Expect Others to Know What a Conservator of the Property 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.

What are Your Responsibilities as a Conservator of the Property?

As conservator of the property, 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 of the property 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.

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. 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 of the property are written in the court order. A conservator only possesses powers granted by the court and is only subject to the duties imposed by the court. 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.
- **Seek court permission.** In Tennessee, court permission is required where there is a need to sell or transfer real property (house or land). Ask questions and learn all you can about what you should do—and what you should not do.
- **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.
- **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, do what you think is best for him.** Make sure that he is safe and comfortable, and his needs are met. 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.
 - **Second, 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.
 - **Third, try to find out what Martin would have wanted.** Look at any past decisions, actions, and statements. Ask people who care about Martin what they think he would have wanted.

- **Communicate clearly with Martin and service providers.** Martin's ability to communicate his decision may come in different forms based on his disability, such as verbal, written, sign language, technology, etc. Martin may also have a circle of supporters that help him make decisions. They might include an Independent Support Coordinator, a Case Manager, a Direct Support Professional or a House Manager. You should consult them as well.
- **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.** BE VERY CAREFUL. Usually, the court must pre-approve gifts or loans, or those over a certain amount. Make sure that any gifts do not increase or complicate Martin's taxes or change his plans for his property when he dies. Any gifts or loans should be 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.
- **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.

Avoid Possible Conflicts of Interest

Sometimes people have good intentions but do the wrong thing. 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.

- **Don't pay yourself for the time you spend acting as Martin's conservator of property unless the court allows you to do so.** If you are allowed to pay yourself, get legal advice, and carefully document how much time you spend and what you do. To avoid any surprises or misunderstandings, tell the court about your fees when you begin your duties as a conservator of the property. If you charge fees, charge fees that are reasonable. Don't charge for things you do that are not specifically as conservator of the property. 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 & Property Carefully*

As Martin's conservator of his property, you might pay bills, oversee bank accounts, or pay for things he needs. You might also pay taxes, collect rent, pay unpaid debts, make an investment, get insurance if needed, cancel any unneeded insurance, and do other things in the court order.

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). The court may give you a form and a deadline for making the inventory. To avoid any risk to Martin's money and property, you must make the inventory as quickly as possible.

An inventory includes 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; and
 - Unpaid credit card bills and other outstanding loans.
- **File the inventory with the court by the due date.** Keep a copy of the inventory for your records and be ready to share it with family listed with the court as interested parties.

In Tennessee, the Inventory is due sixty (60) days from the date of your appointment as conservator unless the inventory was separately stated as an inventory in the petition.

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.

- **The court may require you to buy a bond.** Depending on the size of the estate and other factors, the court may 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, money is lost or stolen, the bonding company will pay the money back. Then the company will try to collect the money from you. The cost of the bond may be payable from Martin's money. Ask the court staff whether you may use Martin's money to cover this expense.

Only people with good financial records and credit histories can get a bond. If you have had a bankruptcy, you will not likely be able to get a bond. Try to check into this before you are appointed as conservator of the property. Take all steps the court advises about getting a bond. Occasionally, instead of requiring a bond, the court will limit the amount of funds you have access to.

A freeze agreement restricting access to certain funds would be then be filed with the court in lieu of a bond. This is also called a restricted account. If the conservatorship checking account balance gets low and more money is required to pay the respondent's bills, you must obtain court approval to encroach on the "frozen" or restricted account.

- **Protect Martin's property.** Keep his money and property safe. Have Martin's income direct deposited and bills sent to you. Ask yourself if it makes financial sense to store valuable items and personal effects in a safe deposit box or a storage unit. (i.e. are household furnishings valued at \$500.00 worth spending \$150.00 per month in storage or should the household furnishings be sold?) 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.
- **Make a property management plan.** In Tennessee, you may be required to file a property management plan. The property management is a Court approved budget that tells the Court how the conservator will manage the respondent's assets, pay for the respondent's needs, and how the conservator plans on investing any remaining assets.
 - **Make a budget** 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, tax prep, medical care, and home maintenance or repair. If applicable, 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 will likely need the court to approve the expense.
 - **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 [sec.gov/investor/alerts/ib_top_tips.pdf](https://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 *do not benefit Martin directly*.**
- **Maintain and insure vacant property.**

- **Collect debts.** Find out if anyone owes Martin money and try to collect it.
- **There's no place like home.** Tennessee law requires court approval to sell Martin's real estate.

Martin may want to continue to live in the home he owns or rents.

In that case, 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 make the home easier to live in. Work with any other decision-makers (such as conservator of the person).
- 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.

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 [BenefitsCheckUp.org](https://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 Eldercare Locator at eldercare.acl.gov.

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 Tennessee, Medicaid is called TennCare. To find your state Medicaid agency, visit: benefits.gov/benefits/browse-by-category/category/MED.

Duty 3 | *Keep Martin's Money & 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 about how to set a conservatorship checking account.
- **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 & Report to the Court*

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

As conservator of the property, 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.

To help you 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, account number(s), 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.** This includes online cash transfer applications and websites. 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 are permitted by the court to charge a fee to serve as conservator of property, be sure you charge a reasonable fee. Look for information about what other people charge to do the tasks that you are doing for Martin. 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 you must report to the court, including giving an accounting of all Martin's money you received and spent during the accounting period.
 - The court will give you a specific form for the accounting or will tell you what is required. 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. In Tennessee, an Interim Annual Accounting is due six (6) months after the date of your appointment as conservator. Annual Accountings are due twelve (12) months from the date of your Interim Annual Accounting and every twelve (12) months thereafter. Be sure to turn it in on time. If your accounting is late, the court may call you in to explain why and you may incur court costs.
 - 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.
 - Accounting forms differ by court and 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 a bookkeeper or an accountant to help.



- **File a final accounting after Martin dies.** Notify the court when Martin dies. According to court procedures, make a final accounting of Martin's money and property, and ask for an order releasing you from your duties.
 - 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.
 - If Martin did not already make funeral or burial arrangements, look for any directions he may have left—perhaps in advance directives or remarks to family or friends.
 - An executor named in a will, an administrator named 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 whoever 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.

MORE THINGS YOU SHOULD KNOW

What if There are Other Fiduciaries?

Co-Conservators

The court may have named someone else to act with you as Martin's conservator of the property, or it may have named someone else to act as Martin's conservator of the person to make healthcare and other personal decisions.

Any other conservators 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 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 power of attorney, a representative payee who handles Social Security benefits, or a VA fiduciary who handles veteran's benefits. It is important to work with these other fiduciaries and keep them informed.

Working with Other Professionals

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

Tips if you need help from any professionals:

- **Obtain Court approval prior to executing any contract to hire a professional.**
- **Check on the professional's qualifications.** Many professionals must be licensed or registered by a state agency. Verify credentials with the state 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.

Government Benefits Require Special Fiduciaries

As conservator of property, 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.

Avoiding 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.

If family members don't agree with your decisions, try to get someone to help sort it out—for example, a family counselor or mediator. See *Where to go for help* at the end of this Guide.

WATCH OUT FOR FINANCIAL EXPLOITATION

Family, friends, neighbors, caregivers, fiduciaries 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 of the property, you should help protect him.

Five Important Reasons to Know the Signs of Financial Exploitation:

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; 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 Martin.

Look for These Common Signs of Financial Exploitation:

- **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;
 - Makes new or unusual gifts to family or others, such as a "new best friend";
 - Uses the ATM a lot;
 - Is not able to pay bills that are usually paid;
 - Does not get bank statements or bills;
 - Puts names on bank or other accounts that you do not recognize or that he is unwilling or unable to explain;
 - Buys things or services that don't seem necessary;
 - Changes beneficiaries of a will, life insurance, or retirement funds; or
 - 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) at 1-888-277-8366. You could also call the police or sheriff. Tennessee Law states that all people are mandatory reporters for abuse of the elderly and those with a disability.
- Alert Martin's bank or credit card company.
- Call the office of the local prosecutor or Tennessee Attorney General.
- Call the State Long-Term Care Ombudsman or the state 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* at the end of this guide.

BE ON GUARD FOR CONSUMER SCAMS

As Martin's conservator over property, 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 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.
- **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.
- **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.
- **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 adult protective services, the long-term care ombudsman program, the police or sheriff, and the local Better Business Bureau.

State agencies to call are the office of the attorney general or another agency that deals with consumer protection.

Call a **federal agency** if scammers are in other states or countries. Federal agencies are the Consumer Financial Protection Bureau (CFPB), the Federal Bureau of Investigation (FBI), the Federal Trade Commission (FTC), 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* at the end of this guide.

Common Consumer Scams

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

Local & State Agencies

ADULT PROTECTIVE SERVICES	<p>Tennessee Adult Protective Services staff investigate reports of abuse, neglect (including self-neglect) or financial exploitation of adults who are unable to protect themselves due to a physical or mental limitation. APS staff assess the need for protective services and provide services to reduce the identified risk to the adult.</p> <p>Call: Toll Free 1-888-APS-TENN (1-888-277-8366)</p> <p>Or, report suspected abuse online at our secure site: https://reportadultabuse.dhs.tn.gov/</p>	
AREA AGENCY ON AGING/DISABILITY	<p>Call 1-866-836-6678 from anywhere in the state to be automatically directed to your nearest Area Agency.</p>	
ATTORNEY GENERAL	<p>The Division of Consumer Affairs (DCA), now housed in the Attorney General's Office, works to handle consumer complaints and educate consumers on the latest scams and threats that could cause harm.</p> <p>To file a complaint against an individual or a business entity, you can complete a complaint at: https://www.tn.gov/content/tn/attorneygeneral/working-for-tennessee/consumer/file-a-complaint.html</p> <p>Contact DCA at (615) 741-4737 or toll free inside Tennessee at (800) 324-8385</p>	
BETTER BUSINESS BUREAU	<p>The BBB can help consumers with complaints against businesses. https://www.bbb.org/us/tn</p>	
	BBB of Greater East Tennessee	<p>BBB of Greater East Tennessee 251 N. Peters Road Knoxville, TN 37923 p: (865) 692-1600 f: (865) 692-1590 9 AM - 4 PM Phone hours: 24 Hour VRS</p>
	BBB of the Mid-South	<p>3693 Tyndale Drive Memphis, TN 38125 p: 901-759-1300 or 800-222-8754 f: 901-757-2997 Office Open M - F 8:30 AM - 5 PM; Public Phone Lines M - F from 9 AM - Noon and from 1 PM - 3 PM Phone hours: 9:00 AM - 3:00 PM</p>

	BBB of Middle Tennessee	25 Century Boulevard, Suite 101 Nashville, TN 37214View All Locations p:(615) 242-4222 f:(615) 250-4245 Monday - Friday 8:30 AM - 3:30 PM Phone hours: Monday - Thursday 8:30 AM - 3:30 PM
	BBB Serving Southeast Tennessee & Northwest Georgia	508 N. Market Street, PO Box 4532 Chattanooga, TN 37405 p: (423) 266-6144 f: (423) 267-1924 Monday-Thursday 8:00AM-4:30PM; Friday 8:00AM-3:00PM
LONG-TERM CARE OMBUDSMAN PROGRAM	The contact information for the State Long-Term Care Ombudsman is as follows: Quiteka Moten State Long-Term Care Ombudsman 502 Deaderick St. 9th Floor-Andrew Jackson Building Nashville, TN 37243 (615) 837-5112 quiteka.moten@tn.gov	
TN COMMISSION ON AGING & DISABILITY	https://www.tn.gov/aging.html If government funds, such as Social Security, are being spent on things that are of no benefit to a vulnerable adult, call Adult Protective Services at (888) 277-8366. Call the Tennessee Division of Consumer Affairs at (615) 741-4737 or toll free at (800) 342-8385 to complain about unscrupulous business practices. If an investment is involved, call the Tennessee Securities Division at (615) 741-2947 or toll free at (800) 863-9117.	
MEDIATORS	Find a listing of local mediators in Tennessee. Mediation is an informal process where a mediator helps people with a dispute to reach agreement. The mediation process identifies important issues, clarifies misunderstandings, explores solutions, and negotiates settlement. The mediator is not a judge and does not make a decision or impose a solution on the dispute. Rather, the mediator helps those involved in the dispute talk to each other, thereby allowing them to resolve the dispute themselves. The mediator manages the mediation session and remains impartial. <u>CLICK HERE TO FIND A MEDIATOR IN YOUR AREA.</u>	

TENNCARE MEDICAID/MEDICAL ASSISTANCE	<p>TennCare Connect is a self-service portal that allows you to create an account, apply for benefits, check your status, report changes, read letters, and more!</p> <p>Go to tenncareconnect.tn.gov to apply online or call 855-259-0701 to apply over the phone. Or, you can download the paper application in English or Spanish</p>
TENNCARE MEDICAID/LONG- TERM SERVICES & SUPPORTS	<p>The Long-Term Services & Supports, Division of TennCare, formerly known as the Long-Term Care Division, offers long-term services and supports to individuals enrolled in TennCare.</p> <p><i>LTSS Help Desk: 1-877-224-0219</i></p>
TENNCARE FRAUD – OFFICE OF INSPECTOR GENERAL	<p>To report TennCare recipient fraud or abuse, you may use any of the following methods:</p> <p>Call the Fraud Toll Free Hotline at 1-800-433-3982. You may also call the Office of Inspector General’s main telephone at 615-687-7200 to be transferred to a Hotline staff member.</p> <ul style="list-style-type: none"> • E-Mail us directly at TennCare.Fraud@tn.gov • Download and complete the “Report Recipient Fraud” form and e-mail the attachment to TennCare.Fraud@tn.gov • Print and fax the applicable downloadable form below to 615-256-3852.
TENNESSEE DEPARTMENT OF HUMAN SERVICES	<p>https://www.tn.gov/humanservices.html</p> <p>For other questions about our programs and services, <u>please visit our Frequently Asked Questions page.</u></p> <p>If you require any additional assistance that is not covered above, please call Customer Service at 615.313.4700 or fill out a <u>Customer Inquiry Form</u>.</p>

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 consumerfinance.gov
DO NOT CALL REGISTRY	1-888-382-1222 donotcall.gov
FEDERAL BUREAU OF INVESTIGATION	fbi.gov/scams-safety
FEDERAL TRADE COMMISSION	1-877-FTC-HELP (382-4357) consumer.ftc.gov
FINANCIAL FRAUD ENFORCEMENT TASK FORCE	stopfraud.gov
POSTAL INSPECTION SERVICES	1-877-876-2455 postalinspectors.uspis.gov/
SOCIAL SECURITY ADMINISTRATION	1-800-772-1213 socialsecurity.gov/payee
DEPARTMENT OF VETERANS AFFAIRS	1-888-407-0144 benefits.va.gov/fiduciary

Police or Other Authorities

POLICE OR SHERIFF	IF YOU HAVE AN EMERGENCY CALL 911. If you have a matter that requires local action or assistance, contact the local Tennessee State Police or the local sheriff's office.
TENNESSEE DEPARTMENT OF SAFETY	PO BOX 945 Nashville, TN 37202 Email.Safety@tn.gov
TENNESSEE BUREAU OF INVESTIGATION	901 R.S. Gass Boulevard Nashville, TN 37216 (615) 744-4000

Accounting help

Find a local Certified Public Accountant (CPA):

TENNESSEE SOCIETY OF CPAS	https://www.tscpa.com/
AMERICAN INSTITUTE OF CPAS	www.cpadirectory.com

Legal Help

MEMPHIS AREA LEGAL SERVICES, INC.	For legal help, call (901) 523-8822 Website: http://www.malsi.org Fax: (901) 578-8566
WEST TENNESSEE LEGAL SERVICES, INC.	For legal help, call (731) 423-0616 Website: https://www.wtls.org Fax: (731) 423-2600
LEGAL AID SOCIETY OF MIDDLE TENNESSEE & THE CUMBERLANDS	For legal help, call (800) 238-1443 Website: https://las.org Fax: (615) 244-6186
LEGAL AID OF EAST TENNESSEE	For legal help, call (423) 756-4013 Website: https://www.laet.org Fax: (423) 265-4164
TENNESSEE BAR ASSOCIATION	https://www.tba.org/ 221 Fourth Ave. North, Suite 400 Nashville, TN 37219 Phone: 615-383-7421
TENNESSEE ALLIANCE FOR LEGAL SERVICES	Phone: 615-627-0956 Fax: 615-627-0964 Email: techsupport@tals.org 50 Vantage Way, Suite 250 Nashville, Tennessee 37228
THE TENNESSEE SENIOR LAW ALLIANCE (TSLA)	TSLA is a partnership of legal aid nonprofits across the state the address the needs of Tennessee's growing senior population. Call the TALS Helpline for triage, legal advice, and referral to the further resources, or email a referral to the contact listed below in your service area.
TENNESSEE JUSTICE CENTER	https://www.tnjustice.org/ Call toll-free at 1-877-608-1009. 211 7th Ave N, #100, Nashville TN 37219

Conservators are fiduciaries.

You are now a fiduciary with fiduciary duties.

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.

Remember: It's not your money!



If you have any comments, updates or corrections to this booklet, contact the Office of Conservatorship Management at 615-880-3355.