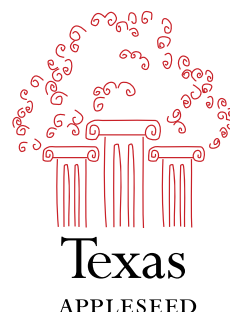




MANAGING SOMEONE ELSE'S MONEY IN TEXAS

Help for Trustees Under a Revocable Trust



THIRD EDITION

About Texas Appleseed & AARP

Texas Appleseed is a nonpartisan nonprofit focused on bringing about policies that are fair, just, and equitable for all Texans. Fueled by data, legal expertise, and a commitment to supporting vulnerable communities, its work has shaped hundreds of state and local policies and positively affected millions of Texans. For more information, visit <https://texasappleseed.org>.

AARP, with its nearly 38 million members in all 50 states and the District of Columbia, Puerto Rico, and U.S. Virgin Islands, is a nonpartisan, nonprofit, nationwide organization that helps people turn their goals and dreams into real possibilities, strengthens communities, and fights for the issues that matter most to families, such as health care, employment and income security, retirement planning, affordable utilities, and protection from financial abuse. In Texas, AARP has 2.3 million members. To learn more, visit <https://www.aarp.org/states/texas/>.

This Guide was adapted from the Consumer Financial Protection Bureau's (the "CFPB's") *Managing Someone Else's Money* guides. Texas Appleseed and AARP prepared this Guide to include information about Texas state law and resources. The CFPB has not reviewed or approved the content in this Guide, and the CFPB does not necessarily endorse the final product.

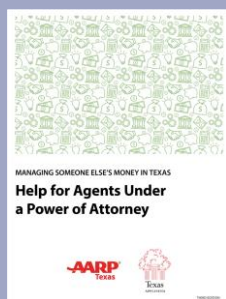
We would like to thank Baker Botts L.L.P. for its pro bono support in creating and updating this series of guides.

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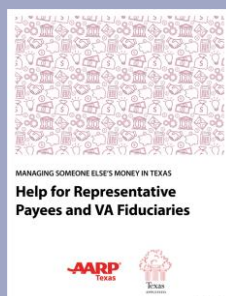
You May Want to Read Our Other Guides



Help for Agents Under a Power of Attorney is a helpful resource for a person serving as an agent under a power of attorney.



Help for Court-Appointed Guardians of the Estate is a helpful resource for a person appointed by a court to serve as guardian for another person.



Help for Representative Payees and VA Fiduciaries is a helpful resource for someone who manages another person's federal benefits.



Help for Supporters Under a Supported Decision-Making Agreement can help answer questions a supporter may have about his or her role and responsibilities.



Preventing Elder Financial Abuse can help answer questions from a family member or friend about protecting a loved one in assisted living or a nursing home from financial abuse.

Why read this Guide?

Like many people, you may never have been a trustee under a revocable trust before. That's why we created *Managing Someone Else's Money in Texas: Help for Trustees Under a Revocable Trust*. This Guide will help you understand what you can and cannot do in your role as a **trustee**. In that role, you are a **fiduciary**.

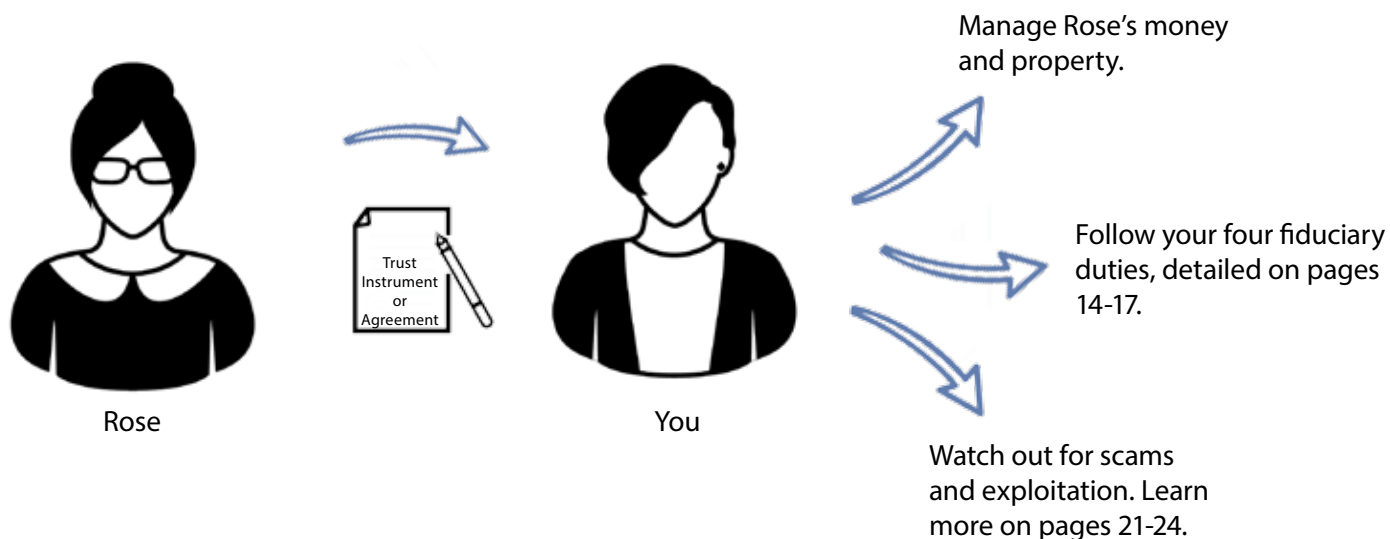
This Guide is for family and friends already serving as a trustee, not for professionals. If you want to learn about making a revocable trust, this Guide is not designed for you. Talk to a lawyer or read other guides about revocable trusts from the State Bar of Texas or others. This Guide does not provide legal advice and is not intended to take the place of any training required by law or instruction provided by the court. If you have questions about your duties, talk to a lawyer, read our other guides, and visit the Seniors and the Law webpage at <https://texaslawhelp.org/article/seniors-and-the-law>.

How you might have become a trustee

Your family member or friend is worried that she will become incapacitated and will not be able to pay her bills or make other decisions. For this Guide, we will call her Rose. Rose has signed a legal document called a trust instrument (or trust agreement). In it, she named a trustee.

When she set up the trust, she should have transferred ownership of some or all of her money and property from her name to the trustee's name as trustee. In the trust instrument, Rose can name you as trustee effective immediately. But Rose probably set up the trust so that you become a trustee only after Rose can no longer make decisions. Once you become trustee, according to the trust instrument, you have the power to make decisions, for Rose's benefit, about the money and property in the trust.

The law gives the trustee a lot of responsibility. A trustee is a fiduciary with fiduciary duties.



Let's review some vocabulary

Revocable trust	A revocable trust is a fiduciary arrangement created by a trust agreement (also known as a trust instrument) between a settlor (also known as a grantor) and a trustee that allows the trustee to manage the money or property that is transferred to the trust for the benefit of the beneficiaries of the trust.
Trust agreement, or a trust instrument	A trust agreement, or trust instrument, is the document by which the settlor (also known as a grantor) and a trustee establish the ground rules for managing the money or property that is transferred to the trust.
Settlor or grantor	A settlor or grantor is the person who created the revocable trust.
Trustee	A trustee is the person or financial institution designated in the trust agreement, or trust instrument, to manage the money or property that is transferred to the trust.
Co-trustee	When a trust has more than one trustee, a co-trustee refers to each person or financial institution acting as a trustee.
Successor trustee	A successor trustee is a backup trustee that acts only if a trustee can no longer fulfill that role.
Beneficiary	A beneficiary is a person who receives money or property from a revocable trust.



Different types of fiduciaries exist.

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

These may include:

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.

Representative payees or, for veterans, VA fiduciaries: A government agency names them to manage government money that is paid to someone, like Social Security or VA benefits.

Guardians: A court names them to manage money and property for someone who needs help.

Supporter under a supported decision-making agreement: Someone names them to help make decisions regarding money and property.

For other guides explaining the duties of these fiduciaries, visit <https://protecttheirmoneytx.org>.

What is a fiduciary?

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

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

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

As a fiduciary, you must be diligent, trustworthy, honest, and act in good faith. If you do not meet these standards, you could be removed as a fiduciary, sued, or have to repay money. It is even possible that the police or sheriff could investigate you and you could go to jail. **That's why it's always important to remember: It's not your money!**

Revocable trust questions

In the rest of this Guide we use "revocable trust," or "trust" as shorthand for "revocable trust."

It's important to know that some rules about trusts come from Texas law and other rules come from the trust agreement. Be sure to read the trust agreement, but keep in mind that Texas law also has rules about what you can and cannot do as trustee. For this Guide, we'll pretend that you are a trustee of a trust set up for Rose's benefit.

What is a revocable trust?

A **revocable trust** is a legal relationship between Rose and you, her trustee. Rose set up a revocable trust to give you the legal authority to make decisions about her money or property in the trust. The trust agreement or the trust instrument is the document that Rose used to set up the trust. Be sure to read the trust agreement when you become trustee.

Rose may have set up the trust because she wants to make sure that if she gets sick or injured, you can manage Rose's money and property for her benefit. Rose also may have made the revocable trust to designate her residual beneficiaries: the people who will get her money or property after she dies.

Can a revocable trust be changed or revoked?

There are different kinds of trusts. Some are revocable, meaning the trust can be changed or ended (revoked), and others are irrevocable, meaning that they generally cannot be changed. In Texas, a trust is revocable unless the trust agreement says otherwise.

As long as Rose can still make her own decisions and the terms of the trust allow her to do so, she can change or end (revoke) the revocable trust.

Can I manage Rose's digital assets held in the trust?

A **digital asset** is an electronic record in which Rose has a right or interest. Martina's email, social media, and online bank accounts are common examples. The person or business that carries, maintains, processes, receives, or stores digital assets is called a **custodian**.

Whether the custodian of a digital asset will need to disclose the digital asset held in trust will depend on how the asset is held and what Rose's trust says. If the trustee was the original user, the custodian is required to disclose to you any digital asset of the account held in the trust. If the trustee was not the original user, the custodian is required to disclose to you:

1. the content of any electronic communications sent to or received by the original user or a subsequent user;
2. a catalogue of all electronic communications sent or received by an original or successor user; and
3. any digital assets in which the trust has a right or interest.



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

Others may not understand that you have been named as a trustee. They may think that you have more authority or less authority than you really have. You may need to educate them. You could show them this Guide.

Review vocabulary.

It can be difficult to remember new terms. If you need a refresher on what those terms mean, go to page 9.

When you contact a custodian about managing assets, have the following documents ready:

1. a written request regarding the management of Rose's digital assets;
2. Rose's power of attorney granting you authority over some or all of her digital assets;
3. a certification by you (under penalty of perjury) that Rose's trust exists and you are acting as trustee; and
4. a unique identifier (e.g., Rose's username) for the assets held by the custodian and/or evidence linking Rose to those digital assets.

You owe Rose fiduciary duties, including a duty to keep information confidential, when managing her digital assets. Texas law prohibits you from managing Rose's digital assets by impersonating Rose.

Who does what under a trust?

There are three roles under a revocable trust.

- The person who makes the trust is called the **settlor** or **grantor**.
- The person who makes decisions about the money or property in the revocable trust is called the **trustee**. A trustee can be an individual or a financial institution. If there is more than one, they are **co-trustees**. Unless the trust agreement provides otherwise, when the trust has co-trustees, Texas law requires a majority of the co-trustees to agree before you can act. A successor trustee or backup trustee may also be named. The **successor trustee** acts only if a trustee can no longer fulfill that role. Rose can name herself and you as co-trustees immediately, or Rose may name you as a successor trustee who can act when Rose can no longer make decisions.
- A person who receives money or property from the revocable trust is called a **beneficiary**. Rose may be the only beneficiary while she is alive, or she may name co-beneficiaries who receive some money or property from the revocable trust before she dies. The people who receive money or benefits from the revocable trust after Rose dies are called residuary beneficiaries.

What property does a trustee manage?

The trustee has authority only over property actually transferred to the revocable trust and probably only after Rose has lost the capacity to manage her property. You do not have legal authority over any money or property that is not in the trust.

A trust is ineffective unless Rose puts her money or property into it. In Texas, Rose must switch ownership from her name to the name of the trustee who holds the property of the revocable trust on Rose's behalf. When you are acting as trustee you will have the legal authority to spend and invest the money and property in the revocable trust for the benefit of Rose and any other beneficiaries.

Am I personally liable for Rose's debts?

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

Do I have to serve as Rose's trustee?

No. You are not required to serve as a trustee. If you want to decline to serve or withdraw, you should consult a lawyer.

When do my responsibilities end?

If Rose names a new trustee or ends the trust, your authority and responsibilities end. However, you may still have to collect the trust's records and give them to the new trustee or to Rose.

What if I think a change in the trust was a result of fraud or abuse?

If you think Rose does not understand the decision to take away your authority or end the trust, then talk to a lawyer, contact Adult Protective Services, or call the police or sheriff.

What about other types of trusts?

Other types of trusts exist and people have different reasons for making trusts. This Guide only covers revocable trusts.

Revocable trusts most likely have a family member or a friend appointed as a trustee. Other types of trusts often have professional trustees, such as a lawyer or bank trust officer.

Four basic duties of a fiduciary

Duty 1: Act only in Rose's best interest

Because you are dealing with the trust's money and property, your duty is to make decisions that are best for Rose and any co-beneficiaries. This means you must ignore your own interests and needs, or the interests and needs of other people.

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

- **Read the trust document and do what it says.** Your authority is limited to what the document and Texas law allow. There may be duties required by Texas law even if they are not in the trust document. Talk to a lawyer if there is anything you don't understand. Follow Rose's directions in the trust document even if you have the best intentions in wanting to do something different.
- **Understand when your duty as trustee becomes effective.** The trust agreement may say that you become a trustee or a co-trustee right away or only when Rose can no longer make her own decisions. Check to see if the document says how you will know when Rose can no longer make her own decisions. If you are still unsure, talk to a lawyer.
- **Avoid conflicts of interest.** A conflict of interest happens if you make a decision about Rose's money or property in the trust that may benefit you or someone else at Rose's expense. As a fiduciary, you have a strict duty to avoid conflicts of interest, so you should avoid even the appearance of a conflict 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:
 - » **Should I sell trust assets to myself?** Selling trust assets to yourself is almost always seen as a conflict of interest (called self-dealing). Talk to a lawyer before doing this.
 - » **Should I do business with family?** Rose needs repair work in her apartment. You hire your son and pay him from Rose's money. This may be a conflict of interest, even though the work was needed. It appears that you put your personal interest to benefit your son in conflict with Rose's interests. If you do choose to hire your son, consider documenting various bids received for the work, experience, and other factors that may justify hiring your son instead of another person or company to perform the work.

- **Don't borrow, loan, or give the trust's money to yourself or others.** Even though Texas law or the trust document may allow you to give a gift or make a loan, consider whether the trust can afford the gifts or loans, and whether they are in line with what Rose would have wanted. A lawyer can advise you regarding any effects on Rose's taxes or on her plans to give away her property when she dies.
- **Avoid changing Rose's plans for giving away her money or property when she dies.** There may be rare situations in which changing Rose's plans is in her best interest. But you should talk to a lawyer to make sure that it is allowed by the trust document and Texas law.
- **Be careful if you pay yourself for the time you spend acting as Rose's trustee.** Read the trust instrument to see whether you are allowed to receive payment for your work as trustee. Unless the trust instrument says otherwise, Texas law says that you can be paid, but that your pay must be reasonable. Carefully document your pay, how much time you spend, and what you do.

Duty 2: Manage the money and property in the trust carefully

As Rose's trustee, you might pay bills, oversee bank accounts and pay for things she needs. You might also make investments, pay taxes, collect rent or unpaid debts, get insurance if needed, cancel any unneeded insurance, and do other things written in the trust or required by Texas law.

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

Follow these guidelines to help you make careful decisions:

- **List the trust's money, property, and debts.** You need to know what Rose's trust owns and owes to make careful decisions. 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;
 - » stocks and bonds;
 - » jewelry, furniture, and any other items of value; and
 - » unpaid credit card bills and other outstanding loans.

The trust agreement may require you to share this list with a beneficiary or with someone else. Also, Texas law states that beneficiaries can ask you once per year to provide an accounting. If you are asked to provide an accounting, you may want to talk to a lawyer to determine what information you are required to provide.

- **Protect the trust's property.** Keep the trust's money and property safe. You may need to put valuable items in safe deposit boxes, change locks on property, and make sure Rose's home or other property is insured. If possible, make sure bank accounts earn interest and have low or no fees. Review bank and other financial statements promptly. If the trust has real estate, keep it in good condition.
- **Invest carefully.** You have a responsibility to make prudent financial decisions. Talk to a financial professional or lawyer about safe and legal ways to invest the trust's assets. Discuss your choices and goals for investing based on Rose's needs and values. You can delegate investment decisions to professionals, but you must be very careful when choosing them. The Securities and Exchange Commission ("SEC") provides tips on choosing a financial professional at https://sec.gov/investor/alerts/ib_top_tips.pdf.
- **Pay bills and taxes on time.** Make sure bills and bank statements are sent to you, as trustee, and promptly review them.
- **Buy insurance** if necessary and cancel any insurance policies that Rose does not need. If canceling an insurance policy, consider documenting why for your records.
- **Collect debts.** Find out if anyone owes the trust money, and, if so, try to collect any outstanding debts.
- **Post bond.** Read the trust agreement to determine whether you are exempt from the requirement to post a bond as trustee. In Texas, a trustee is required to post bond unless the trust instrument says otherwise. A bond protects the trust's assets from losses caused by an unethical or dishonest trustee.

Duty 3: Keep the trust property separate

Never mix money or property in Rose's trust 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 Rose, Rose's family, any other beneficiaries, and also with government agencies, such as adult protective services and the police or sheriff's office.

Follow these guidelines:

- **Separate means separate.** Never deposit the trust's money or property into your own or someone else's bank account or investment account.
- **Never hold title to the trust's money and property in your own name.** Every document should show the owner of the assets as either in the name of the trust (like "the Rose Roe Revocable Trust") or, better yet, in your name **as trustee of the Rose Roe Revocable Trust**. This is so other people can see right away that the money and property belongs to only the trust and not to you.

- **Know how to sign as trustee.** Sign all checks and other documents relating to the trust's money or property to show that you are Rose's trustee. For example, you might sign "John Doe, as trustee for the Rose Roe Trust." Never just sign "Rose Roe" or "John Doe." Signing things like a contract in your own name without indicating that you are signing as trustee may put your own money and property at risk.
- **Pay Rose's expenses from the trust 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 back.

Duty 4: Keep good records

You must keep true and complete records of the money and property in Rose's trust. The trust agreement may say that you must share your records with someone else who can check up on you, and Texas law says that some beneficiaries are entitled to ask for an accounting every year.

Practice good recordkeeping habits:

- **Keep a detailed list of everything the trust receives and spends.** Records should include the amount from 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 Rose'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 and notes.
- **Getting paid?** The trust agreement may say that you can be paid for acting as trustee. If you will be paid, Texas law states that your fee must be reasonable. You may be entitled to reimbursement for some of the expenses related to your work as trustee. Keep detailed records, as you go along, including what work you did, how much time it took, when you did it, and why you did it.

More things you should know

Other fiduciaries

Co-trustees

Rose may have named herself as co-trustee with you. Or she may have named someone else to act as co-trustee with you. The trust agreement should say whether you and any co-trustees can make decisions alone or must agree on decisions, either unanimously or by majority rule. If the trust agreement doesn't say how co-trustees make decisions, then Texas law requires a majority of the co-trustees to agree.

In any case, you must coordinate with any co-trustee and share information about decisions. Even if you and a co-trustee don't agree on all decisions, you cannot let a co-trustee do something that harms Rose. You are still responsible for her best interest. If you and a co-trustee cannot come to an agreement about Rose's best interest, you should review the trust agreement and talk to a lawyer to determine how to proceed..

Successor trustees

Rose may have named a successor trustee to act for her if you are not able to be the trustee. A successor trustee has no authority if you are still acting as trustee. If you are the successor trustee, you should ask the previous trustee for detailed records related to the trust. If you discover that the previous trustee did something improper, you should talk to a lawyer.

Other types of fiduciaries

Other fiduciaries may have authority to make decisions for Rose. For example, she may have a guardian of her person or her property, 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. You also may need to keep them informed about the trust.

Government benefits

As trustee, you cannot manage Rose's government benefits such as Social Security or Veterans benefits, unless:

1. her benefits are paid directly into her trust, or
2. you have been appointed by the government agency as, for example, a representative payee or VA Fiduciary to handle these benefits. For more information, contact the government agency.

More than one beneficiary

If Rose named more than one beneficiary of her trust, then you have fiduciary duties to each beneficiary, not just current beneficiaries. Carefully review the trust agreement to see whether you should treat all beneficiaries equally or whether you should consider some beneficiaries' needs first.

You must always be impartial when you carry out your duties as Rose's trustee.

Unless the trust agreement states otherwise, you cannot show any bias toward any one beneficiary. Because each beneficiary's needs are different, you do not have to treat everyone the same. But you must act in each beneficiary's best interest in an unbiased way.

Talk to a lawyer about what your duties are if Rose's trust has named more than one beneficiary.

Problems with family or friends

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

- **You may want to think about whether you should share information with friends and family.** For example, you might want to share any accountings you prepare or summaries of how you've spent the trust's money. It is usually easier to deal with questions about a decision immediately rather than to deal with suspicion and anger that may build over a long time. Rose may have told you to keep that information to yourself, or you may know that Rose would have wanted her financial information to stay private. Certain family or friends may be so difficult that it is better not to share information with them. Use your best judgment. Consider talking to a lawyer to determine whether any information must remain confidential before sharing with family and friends.
- **In the end, you have to make the final decisions.** Even when deciding to share information about the trust, you must always keep Rose's best interests in mind.
- **If family or friends don't agree with your decisions, try to get someone to help sort it out.** For example, talk to a family counselor or mediator. See "Where to go for help" on page 25 of this Guide.

Other professionals

In managing the trust'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 money from the trust.

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. Consider documenting steps taken in selecting a professional with whom you choose to consult.
- **Interview the professional** thoroughly and ask questions. Consider taking notes for your personal records.
- **Review contracts carefully before signing.** Before hiring any professionals, get their proposed plan of work and expected fee. Consider saving comparisons for your personal records.
- **Make your own decisions based on facts and advice.** Listen to their advice, but remember you are the decision-maker. You have a duty to choose professionals carefully and if you choose poorly, you could be held personally responsible for their mistakes. Remember to always maintain good records and to document why decisions were made, including the information used in making such decisions.

Watch out for financial exploitation

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

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

Common signs

- **If you think some money or property is missing, or Rose says that some money or property is missing, consider looking for common signs of exploitation or sudden changes in Rose's spending or savings.** For example, she:
 - » takes out lots of money from the bank without explanation;
 - » tries to wire large amounts of money;
 - » uses the ATM a lot;
 - » is not able to pay bills that are usually paid;
 - » buys things or services that don't seem necessary;
 - » puts names on bank or other accounts that you do not recognize or that she is unwilling or unable to explain;
 - » does not get bank statements or bills (or you, as a trustee, no longer receive certain statements or bills);
 - » makes new or unusual gifts to family or others, such as a "new best friend";

- » changes beneficiaries of a will, life insurance, or retirement funds; or
 - » has a caregiver, friend, or relative who suddenly begins handling her money.
- **There may also be exploitation issues when Rose says she is afraid or seems afraid of a relative, caregiver, or friend.**
 - **Or, when a relative, caregiver, friend, or someone else keeps Rose from having visitors or phone calls, does not let her speak for herself, or seems to be controlling her decisions.**

What can you do if Rose has been exploited?

Call the emergency 911 number if Rose is in immediate danger.

Call Texas Adult Protective Services at 1-800-252-5400 or the local police or sheriff. **You are required by law to do this.** If the situation is not urgent or an emergency, you may report the exploitation or abuse online at: texasbusehotline.org/login/default.aspx.

Alert Rose's bank, credit card company, or investment manager if you think those accounts are at risk. Texas law requires them to investigate suspected financial abuse and they may place a temporary hold on transactions if they suspect exploitation. The hold is placed only on a particular transaction. The account should still be usable for other purposes.

If Rose is in a nursing home or assisted living, report it to the Texas Attorney General's Medicaid fraud unit at either 512-371-4700 or 1-800-252-8011 (the main agency switchboard).

What can you do if Rose has been scammed?

Call the Texas Attorney General, Texas Adult Protective Services, the Office of the Long-Term Care Ombudsman, or a similar agency.

If scammers are in other states or countries, call a federal agency, such as the Consumer Financial Protection Bureau, the FBI, the Federal Trade Commission, or the U.S. Postal Inspection Service.

In both cases...

Consider talking to a lawyer about protecting Rose from further exploitation or getting back money or property taken from her.

Help can come from many places. Each agency and 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 25.

Be on guard for consumer scams

As Rose's trustee, you should stay alert to protect her money from consumer scams as well as financial exploitation. Criminals and con artists have many scams and change them all the time. They often seek unsuspecting people who have access to money. Learn to spot consumer scams against Rose—and against you as her trustee. The Texas Attorney General's Office maintains a list of common scams, which is available at: <https://texasattorneygeneral.gov/consumer-protecton/common-scams>.

How can you protect Rose from scams?

Although many consumer scams occur by phone, mail, email, or on the Internet, they also can occur in person, at home, or at a business. Here are some tips:

- **Put Rose's number on the National Do Not Call Registry.** Go to <https://donotcall.gov> or call 1-888-382-1222.
- **Don't share numbers or passwords for Rose's accounts, credit cards, or Social Security,** unless you know the person 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 obtain 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 Rose already has been scammed.** For example, does she receive a lot of mail or email for sweepstakes? Has she paid people you don't know, especially in other states or countries? Has she taken a lot of money out of the bank while she was with someone she recently met? Does she have a hard time explaining how she spent that money? Is she suddenly unable to pay for food, medicine, or utilities?

Common Consumer Scams

Relative in need	Someone who pretends to be a family member or friend calls or emails you to say they are in trouble and need you to wire money right away.
Charity appeals	You get a call or letter from someone asking for money for a fake charity—either the charity does not exist or the charity did not call or write to you.
Lottery or sweepstakes	You get a call or email that you have a chance to win a lot of money through a foreign country's sweepstakes or lottery. The caller will offer tips about how to win if you pay a fee or buy something. Or the caller or email says you already have won and you must give your bank account information or pay a fee to collect your winnings.
Home improvement	Scammers take money for repairs and then they never return to do the work or they do bad work. Sometimes they break something to create more work or they say that things need work when they don't.
Free lunch	Scammers invite you to a free lunch and seminar. Then they pressure you to give them information about your money and to invest your 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 make unsolicited phone calls or send unsolicited mail or emails.
Identity theft	Scammers steal personal information—such as a name, date of birth, Social Security number, account number, or mother's maiden name—and use that information to open credit cards or get a mortgage in someone else's name.
Fake "official" mail	Scammers send letters or emails that look like they are from a legitimate party to try to get your personal information.

Where to go for help

Local and state agencies

Adult Protective Services Texas Adult Protective Services receives and investigates reports of suspected adult or elder abuse, neglect, or exploitation. To make a report, call the 24-hour, toll-free hotline.
1-800-252-5400
https://www.dfps.texas.gov/Contact_Us/report_abuse.asp
Texas Abuse Hotline:
<https://txabusehotline.org/Login/Default.aspx>

Area Agency on Aging / Aging and Disability Resource Center The Texas Health and Human Services Commission administers and supports people who are aging and people with intellectual and physical disabilities. Staff can provide information about aging and disability services and whether there are any support groups for fiduciaries or caregivers.
1-512-424-6500
<https://hhs.texas.gov/services/aging>

Texas Attorney General The Office of the Attorney General has a Consumer Protection Section. It operates the Texas Attorney General's Consumer Protection Hotline.
1-800-621-0508
<https://texasattorneygeneral.gov/cpd/consumer-protection>

Better Business Bureau The Better Business Bureau ("BBB") can help consumers with complaints against businesses.
<https://bbb.org/file-a-complaint>

BBB of Abilene--13 Mid-West Texas Counties
1-325-691-1533
<https://bbb.org/local-bbb/bbb-of-abilene>

Better Business Bureau Serving the Concho Valley, San Angelo
1-325-691-1533

<https://bbb.org/local-bbb/better-business-bureau-serving-the-concho-valley>

BBB serving North Central Texas, Dallas, Lubbock, & Wichita Falls
1-214-220-2000

<https://bbb.org/local-bbb/bbb-serving-north-central-texas>

Better Business Bureau in Southeast Texas
1-409-835-5348

<https://bbb.org/local-bbb/southeasttexas>

BBB serving the Heart of Texas, Austin, Bryan, Corpus Christi, Fort Worth, Midland, San Antonio, and Waco
1-844-477-1099

<https://bbb.org/local-bbb/bbb-serving-the-heart-of-texas>

BBB of Greater Houston and South Texas, Austin, Brazoria, Brooks, Cameron, Colorado, Fort Bend, Galveston, Harris, Hidalgo, Jim Hogg, Kenedy, Matagorda, Montgomery, Starr, Waller, Wharton, Willacy, and Zapata Counties
1-713-868-9500

<https://bbb.org/local-bbb/bbb-of-greater-houston-and-south-texas>

BBB Serving Northeast and Central Louisiana and the Ark-La-Texas (including Bowie and Cass County, Texas)
1-318-797-1330

<https://bbb.org/local-bbb/bbb-serving-northeast-and-central-louisiana-and-the-ark-la-tex>

BBB El Paso
1-915-577-0191

<https://bbb.org/local-bbb/bbb-of-el-paso>

BBB serving Central East Texas, Anderson, Camp, Cherokee, Franklin, Gregg, Harrison, Henderson, Marion, Morris, Panola, Rains, Red River, Rusk, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties
1-903-581-5704

<https://bbb.org/local-bbb/bbb-serving-central-east-texas>

BBB of Amarillo, Texas Panhandle
1-806-379-6222

<https://bbb.org/local-bbb/bbb-of-amarillo>

Texas Veterans Commission	The Texas Veterans Commission is a state-appointed advocate for Texas veterans. The Commission assists veterans to secure benefits rightfully earned in exchange for service in the armed forces. 1-800-252-8387 https://tvc.texas.gov info@tvc.texas.gov
Texas Veterans Portal	The Texas Veterans Portal is a resource that compiles helpful information from many government agencies to help veterans, their families, and their survivors find the assistance, services, and benefits they need. 1-800-2273-8255 or 2-1-1 (option 1) https://veterans.portal.texas.gov
Local Resources	Eldercare Locator is a public service of the U.S. Administration on Aging that connects older Americans and their caregivers with information on senior services. 1-800-677-1116 https://eldercare.acl.gov
Long-Term Care Ombudsman Program	Contact the Office of the State Long-Term Care Ombudsman to find state and local long-term care advocates. Ombudsmen identify, investigate, and resolve complaints about long-term care. 1-800-252-2412 https://ltco.texas.gov/
Texas Association of Mediators	Find a listing of local mediators in Texas. Mediation can help resolve disputes and may sometimes be an alternative to legal action. https://txmediator.org (click on "Member Locator" then "View All Members for list of Texas mediators)

Medicaid/medical assistance

Texas Medicaid Information	https://hhs.texas.gov/services/health/medicaid-chip/medicaid-chip-program-services
Texas Health and Human Services Commission	https://yourtexasbenefits.com/Learn/Home
Texas Health Options	This state resource can help you understand how to find and use health insurance. 1-800-252-3439 https://texashealthoptions.com https://www.tdi.texas.gov/pubs/consumer/cb005s.html

Medicaid Fraud Control Unit of Texas

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

1-800-252-8011 (Main agency)

myfcu@oag.texas.gov

Austin Field Office

1-512-371-4700

Corpus Christi Field Office

1-361-851-8440

Dallas Field Office

1-817-385-2200

El Paso Field Office

1-915-881-2100

Houston Field Office

1-713-225-0691

Lubbock Field Office

1-806-765-6367, ext. 101

Pharr Field Office

1-956-683-7095

San Antonio Field Office 1-210-653-9001

Tyler Field Office

1-903-593-4644

Police or sheriff

Find a law enforcement agency by checking your local directory.

Texas Victim Resource Directory The Texas Victim Resource Directory is a compilation of non-profit and governmental agencies that provide services to crime victims free of charge in Texas.

<https://ivss.tdcj.texas.gov/resource-search/>

Sheriffs' Association of Texas

Find the local sheriff's office.

<https://txsheriffs.org/directory/>

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 https://consumerfinance.gov
Do Not Call Registry	1-888-382-1222 https://donotcall.gov
Federal Bureau of Investigation	https://fbi.gov/scams-safety
Federal Trade Commission	1-877-FTC-HELP (382-4357) https://consumer.ftc.gov
Postal Inspection Service	1-877-876-2455 https://postalinspectors.uspis.gov
Social Security Administration	1-800-772-1213 https://socialsecurity.gov/payee
Department of Veterans Affairs	1-888-407-0144 https://benefits.va.gov/fiduciary

Legal help

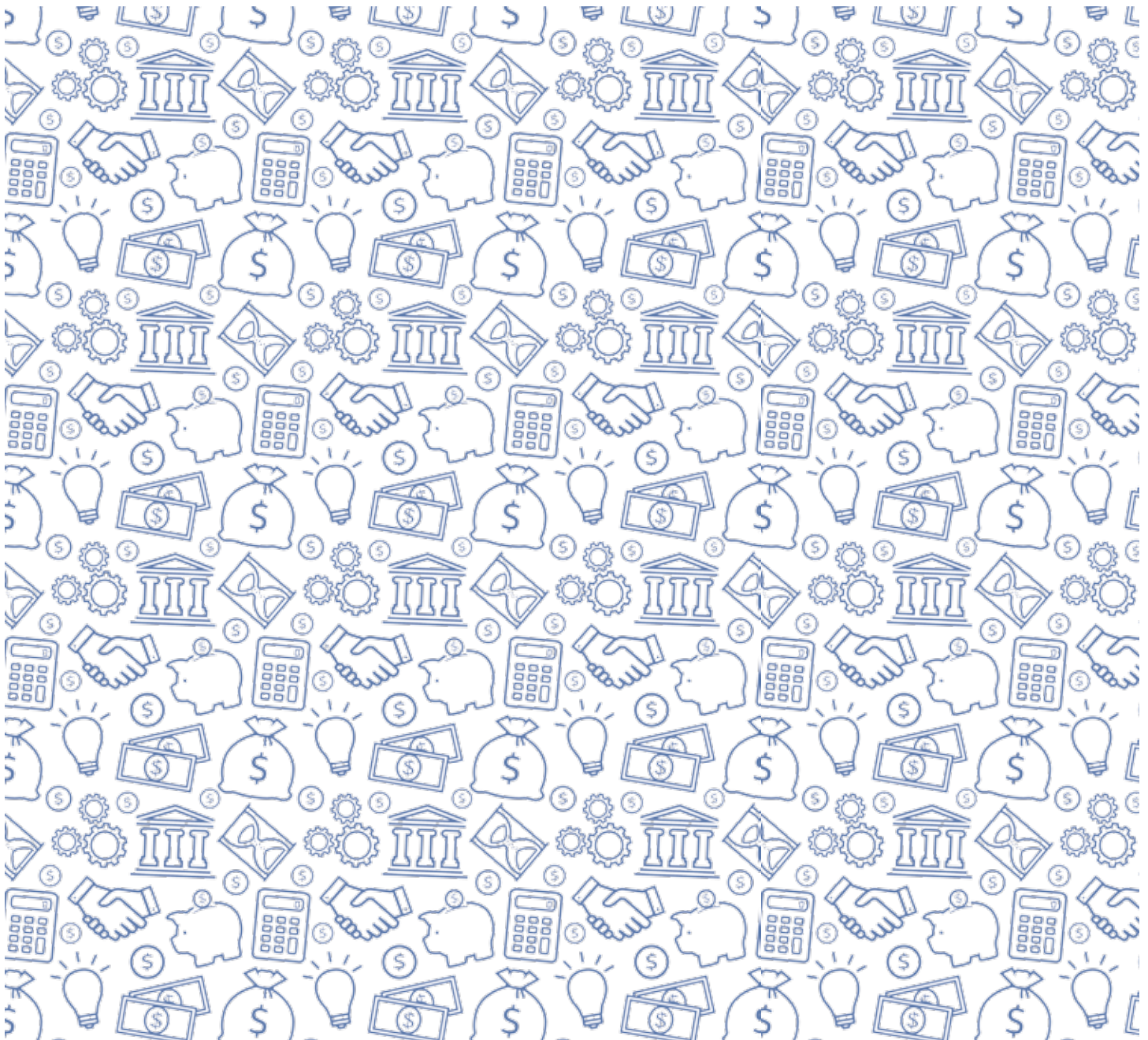
Eldercare Locator	Find local programs that provide free legal help to people over age 60 by contacting the national Eldercare Locator. 1-800-677-1116 https://eldercare.acl.gov
Legal Services Corporation	Find local programs that provide free legal help to low-income people on the website of the Legal Services Corporation. https://lsc.gov/find-legal-aid

State Bar of Texas	Find free legal clinics and other resources for veterans and their families who otherwise cannot afford or do not have access to the legal services they need on the website of the State Bar of Texas. https://www.texasbar.com/ https://www.texasbar.com/Content/NavigationMenu/AboutUs/StateBarPresident/TexasLawyersforTexasVeterans/default.htm
Texas Legal Services Center	Any person in Texas who is 60 years of age or older can call the Legal Hotline for Texans for free legal information. The Legal Hotline for Texans has a wide range of brochures on many different legal topics. The Legal Hotline for Texans also serves persons who are eligible for Medicare, regardless of age or income. Services can be applied for online or over the phone. 1-800-622-2520 https://tlsc.org
Legal Aid of Northwest Texas	This program serves counties from the Panhandle and the High Plains through the Dallas–Fort Worth Metroplex. It has offices in Amarillo, Plainview, Lubbock, Midland, Odessa, Abilene, Brownwood, San Angelo, Wichita Falls, Denton, Weatherford, Fort Worth, Dallas, Waxahachie, and McKinney. https://legalaidtx.org/
Lone Star Legal Aid	This program serves Texas counties from the Louisiana and Arkansas border westward to some counties along I-35. It has offices in Texarkana, Tyler, Paris, Longview, Nacogdoches, Beaumont, Conroe, Houston, Galveston, Angleton, Bryan, Belton, and Waco. https://lonestarlegal.org
Pro Bono Program Listings in Texas	https://probono.net/oppsguide/search?state=TX
Houston Volunteer Lawyers	Providing free legal aid to low-income individuals by connecting them with lawyers in the private bar who volunteer their time. 1-713-228-0735 https://makejusticehappen.org
Texas RioGrande Legal Aid	Providing free legal services to low-income residents in 68 counties of Southwest Texas. https://trla.org
Lawyer Referral Service (LRS) of Central Texas	Reduced fee program for family law matters, uncontested guardianship cases, and drafting simple wills. https://austinlrs.com

Dallas Volunteer Attorney Program	Providing telephone referral of low-income individuals to volunteer attorneys who provide free legal services. Applicants must be Dallas County residents. 1-214-243-2236 https://dallasvolunteerattorneyprogram.org
Texas Rio Grande Legal Aid (El Paso, South & West Texas)	Providing free legal services to indigent residents of South and West Texas and to migrant and seasonal farm workers throughout Texas. 1-915-585-5100
Community Justice Program (San Antonio)	Providing free neighborhood-based legal services to individuals who may not otherwise have access to the legal system. https://www.sa-lsa.org
Fee-for-service lawyers	This is an American Bar Association-sponsored website that provides information about how to find a lawyer in each state. It also has information about legal resources, how to check whether a lawyer is licensed, and what to do if you have problems with a lawyer. https://findlegalhelp.org

Accounting help

American Institute of CPAs	Find a local certified public accountant. https://www.aicpa-cima.com/membership/landing/find-a-cima-student-member-or-mip
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Find this and the rest of the reports in the series at
<https://protecttheirmoneytx.org>

For more information on the work of AARP in Texas, visit
<https://www.aarp.org/states/texas/>.

To learn more about Texas Appleseed, go to <https://texasappleseed.org>.