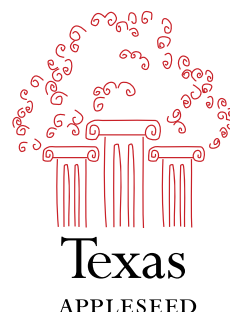




# Help for Supporters Under a Supported Decision-Making Agreement



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 impacted millions of Texans. For more information, visit [texasappleseed.org](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 [aarp.org/tx](https://aarp.org/tx).

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.

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We would also like to thank our Advisory Committee, whose expert guidance contributed greatly to the final guides: Bruce Bower, Judge Christine Butts, Bob Jackson, Helen Jenkins, and David Slayton.

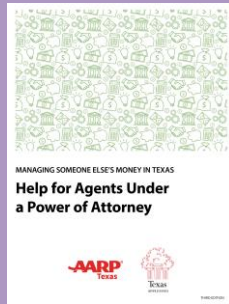


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## You May Want to Read Our Other Guides

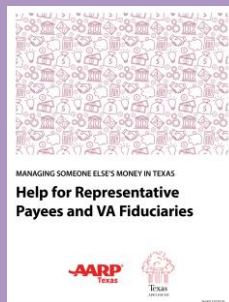
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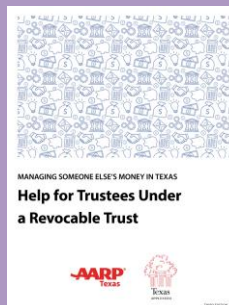
*Help for Agents Under a Power of Attorney* is a helpful resource for a person serving as an agent under a power of attorney.



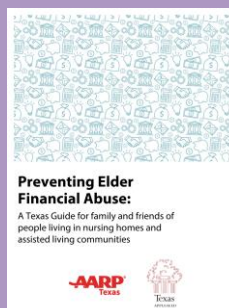
*Help for Court-Appointed Guardians of the Estate* is a helpful resource for a person appointed by a court to serve as guardian for another person.



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



*Help for Trustees Under a Revocable Trust* is a helpful resource for a person serving as a Texas trustee.



*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?

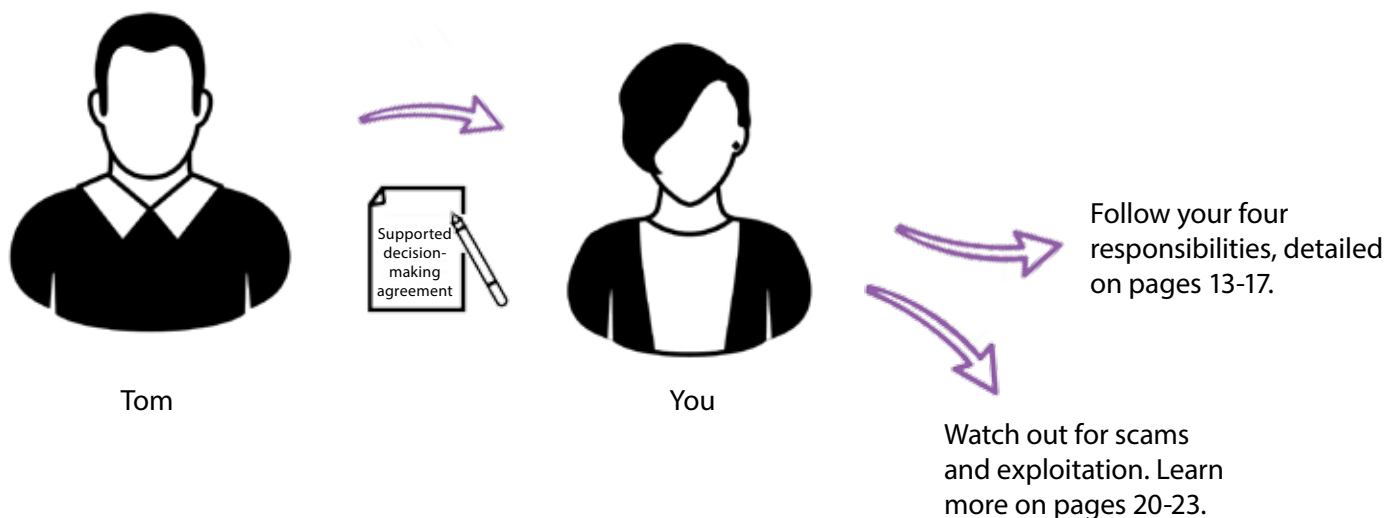
Like most people, you may never have been a supporter under a supported decision-making agreement before. That's why we created *Managing Someone Else's Money in Texas: Help for Supporters Under a Supported Decision-Making Agreement* (this "Guide"). A supporter does not actually manage another person's money, but a supporter's help can be instrumental in making important financial decisions and other life decisions. This Guide will help you understand what you can and cannot do as a supporter under a supported decision-making agreement. In that role, you have specific fiduciary duties and have been given a high degree of trust and confidence. In this Guide, you'll find tips to help you avoid problems, as well as resources for finding more information.

This Guide is for family and friends already serving as a supporter under a supported decision-making agreement. It is not meant for professionals or organizations. If you want to learn about how to become a supporter or other alternatives, this Guide is not designed for you. This Guide does not give you legal advice. If you have questions about your responsibilities, talk to a lawyer, read our other guides, or visit the Seniors and the Law webpage at [texaslawhelp.org/article/seniors-and-law](https://texaslawhelp.org/article/seniors-and-law).

## How you might have become a supporter

Your family member or friend may be physically or mentally disabled. For this Guide, let's call him Tom. Tom is not legally incapacitated, so a guardianship is not necessary, but he still needs help making life decisions. To provide that assistance, you and Tom signed a supported decision-making agreement in the presence of a notary or witnesses, making you his supporter.

That agreement gives you the authority to help Tom make important decisions by doing things like gathering necessary information, helping him understand his options, and helping him communicate his decisions. You are authorized only to do what the agreement says you can do. Under the law, you now have specific fiduciary duties, and you have a responsibility to live up to the trust and confidence placed in you.





# Let's review some vocabulary

<b>Supported decision-making agreement</b>	A supported decision-making agreement is an agreement through which a person who can make his or her own life decisions but needs help doing so names a person to help make decisions.
<b>Supporter</b>	A supporter is a person named in a supported decision-making agreement to help make decisions. A supporter has authority to take certain actions (for example, obtain medical or financial records) as necessary to help make informed decisions and to communicate those decisions to others as appropriate.
<b>Fiduciary</b>	A fiduciary is a person who is authorized to act for another person and has a special relationship of trust and confidence. A supporter has the following specific fiduciary duties: to act in good faith, act within the authority granted in the agreement, act loyally and without self-interest, and avoid conflicts of interest.
<b>Conflict of interest</b>	A conflict of interest occurs when a decision puts what is best for one person ahead of what is best for the other person. A supporter must avoid conflicts of interest by helping make decisions that are best for the person who appointed him or her, regardless of what might be good for the supporter or others.



## Others may be authorized to act on Tom's behalf.

In your role as supporter, you may act as or deal with other people who are authorized to act on Tom's behalf. These may include:

### **Trustees under a 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.

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

For other guides explaining the duties of these people, visit [protecttheirmoneytx.org](https://protecttheirmoneytx.org).

# What are your responsibilities?

Since you have been named to help Tom make decisions for himself, you now have a special relationship of trust and confidence with him. Texas law calls on supporters to adhere to specific **fiduciary duties**. As Tom's supporter, you owe him the duty to act in good faith, act within the authority granted in the supported decision-making agreement, act loyally and without self-interest, and avoid conflicts of interest. You must exercise the authority in the supported decision-making agreement for **his benefit**, not yours. It does not matter if you are a family member or not.

To live up to those duties when you act as a supporter for Tom, you have four basic responsibilities:

1. Act only in Tom's best interest.
2. Help Tom make good decisions.
3. Keep Tom's personal information private.
4. Help Tom communicate his decisions as necessary.

If you do not meet these standards, you could be 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!**

## Supporter questions

### What is a supporter?

A **supporter** is someone Tom chooses to help him make certain life decisions, including decisions relating to where and with whom he wants to live, where he wants to work, and the services and medical care he wants to receive. The supported decision-making agreement signed by Tom and the supporter (you) determines which types of decisions the supporter can help make and what the supporter can do to help make them. But in the

end, Tom is entitled to make his own decisions, and the supporter's job is only to help him do so. A supporter must not pressure Tom into substituting the supporter's wants for Tom's.

## **What are my obligations as a supporter?**

As supporter, you have an obligation to help Tom make certain decisions as specified in the signed agreement. The agreement may allow you to access and collect certain information for Tom, such as medical, financial, or educational records. You must collect only information that is necessary for making the particular decision that the agreement allows. You should share the information you gather with Tom and make sure he understands it so that he can make better decisions. You should also help him understand all of his options. Once he makes a decision, you should help him do whatever is necessary to communicate that decision to anyone who needs to know.

## **Can Tom still manage his money and property after signing a supported decision-making agreement?**

Yes, having you as supporter does not undermine Tom's decision-making authority. Your job is to make sure Tom has all the information and support he needs to make good decisions as specified in the agreement.

## **Can I be sued for my actions as a supporter?**

Probably. The supported decision-making agreement structure is new to Texas, but you have specific fiduciary duties under the law. If you breach those duties by acting in bad faith, acting beyond the authority in the agreement, being disloyal to Tom, acting in your own interest, or creating a conflict of interest, it is possible that Tom or another person could bring a legal claim against you. At the time of this Guide's publication, no Texas court has addressed this type of legal claim against a supporter. But you should still make sure that you live up to the trust and confidence that Tom has put in you as a supporter.

## **Can a supported decision-making agreement be changed or revoked?**

Yes, you and Tom can agree to change the supported decision-making agreement, and either of you can revoke (terminate) the agreement any time.

## **What if I think a change to the agreement was the result of fraud or abuse?**

If you think Tom does not understand a decision he made to take away your authority as his supporter, then talk to a lawyer, contact adult protective services, or call the police or sheriff. There is more information on fraud and abuse as well as where you can go for help on page 24 at the back of this Guide.



## **Don't expect others to know what a supporter is or does.**

Others may not understand that Tom has authorized you as his supporter to help him. 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 supported decision-making agreement you and Tom signed.

Supported decision-making agreements are relatively new to Texas. They are governed by Chapter 1357 of the Texas Estates Code.

## **Review vocabulary.**

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

## **Do I have to serve as Tom's supporter?**

No, a supported decision-making agreement requires your consent to be effective, and you can terminate the agreement at any time.

## **What happens if I can no longer serve as Tom's supporter?**

You should step down if you can no longer serve as supporter, and you can try to help arrange for another person to serve as Tom's supporter.

## **What happens if Tom can no longer make his own decisions?**

If Tom becomes incapacitated—that is, if he becomes unable to care for himself or to manage his own affairs—the supported decision-making agreement becomes unenforceable and you lose your authority to help Tom. In that case, it may be necessary for Tom to have a legal guardian, agent under a power of attorney, or other authorized person to act on his behalf.

## **When do my responsibilities end?**

Your responsibilities as Tom's supporter last until the time that the signed agreement says they end or until either you or Tom decide you will not serve as his supporter any longer. If a guardian is appointed or if Tom loses the capacity to make decisions, you lose the authority as the supporter to assist Tom in making decisions.

# Four basic responsibilities of a supporter

## Responsibility 1: Act only in Tom's best interest

Because your help will influence important decisions about Tom's life, including financial decisions, it is your responsibility to help him make the decision that is best for him, not for anyone else. This means you must ignore your own interests and needs and the interests and needs of other people.

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

- **Read and understand the supported decision-making agreement.** Your powers and responsibilities as Tom's supporter are written in the agreement. The agreement will look like a special form as provided by law. Read the agreement closely, and talk to a lawyer if you don't understand it. Ask questions and learn all you can about what you should do—and what you should not do.
- **Do what the agreement says—and don't try to do anything that it does not include.** It is important that you not act beyond what the agreement allows and that you carry out the basic tasks necessary.
- **Work with Tom to understand his intentions.** As supporter, help Tom make his decisions, but don't make them for him. Many things can affect your actions. For example, you might feel pressure from others. Consider these steps:
  - » First, ask Tom what he wants. He may be able to decide some things without much assistance. If so, take that into account, especially if a particular decision is similar to his thinking in the past and the risk of harm to him is not unreasonable. For example, if Tom wants to handle money without your help, see if he can manage a small bank account or a monthly cash allowance. Doing this will let him be in charge of a set amount, and you will limit the risk to that amount.

- » Second, look at Tom's past decisions, actions, and statements to help him make his decisions. Find as much information as you can. Help Tom make the decision you think that he truly wants to make, unless doing so would harm him.

Remember, you must help Tom make the decision that is best for him. **Do not pressure Tom to make a decision based on your own desires or anyone else's.** Help Tom put his well being above saving money for others who may inherit his money and property.

- **Avoid conflicts of interest.** A conflict of interest happens if you influence Tom to make a decision about his property that may benefit you or someone else at Tom's expense. Because you must exercise your authority as supporter only on Tom's behalf, you have a strict duty to avoid conflicts of interest—or even the appearance of a conflict of interest. Keep an “arm's length distance” between your interests and any use of Tom's money.
- **Help Tom avoid borrowing, loaning, or giving money to others, unless it is in his best interest.** If the agreement allows you to help with financial decisions, make sure that any gifts or loans do not create a conflict of interest, and do not influence him to give you anything. Make sure that any gifts given to others do not increase or complicate Tom's taxes or change his plans for his property when he dies. If it is clear Tom wants to make a gift—for example, if Tom gives money every year to a charity—help him figure out the best way to do so.
- **Keep Tom's money and property separate from yours.** If you are authorized to help Tom make financial decisions, make sure he never mixes his money or property with your own or someone else's. Mixing money or property makes it unclear who owns what and could create the appearance that you are taking advantage of Tom. **Separate means separate.** Make sure to:
  - » Avoid joint accounts. If Tom already has money or property in a joint account with you or someone else, get legal advice before making any change.
  - » Keep title to Tom's money and property in his own name. This is so other people can see right away that the money and property is Tom's and not yours.
  - » Avoid paying Tom's expenses from your funds. Spending your money on Tom and then paying yourself back makes it hard to keep good records.
- **Encourage Tom to get legal help before changing his plans for giving away his money or property when he dies.** Tom may decide to change his estate plan, and doing so may be in his best interest. But if the agreement allows you to help make financial decisions, you should encourage him to get legal advice before he does so.

# Responsibility 2: Help Tom make good decisions

As Tom's supporter, you might be authorized to help him make everyday financial decisions. That may involve decisions about paying bills, managing bank accounts, or paying for things Tom needs. You might also help him make bigger decisions regarding investments or major purchases.

If you are authorized to help with financial decisions, you should help make sure that Tom makes informed, thoughtful decisions. Use good judgment and common sense. You should help Tom be even more careful with his money than you might be with your own!

- **Find out what Tom owns and owes.** If you are authorized to help Tom make financial decisions, you should be able to obtain Tom's financial information by showing the signed agreement to Tom's bank or other institution that holds the information. Find out what accounts Tom holds and how much money is in them. Find out what other property Tom owns and how much it is worth. And find out who Tom owes money to and when and how he is expected to pay it back.
- **Help Tom make a financial plan.** Help Tom make a budget as if you were making one for your own household. List how much Tom expects to pay for a nursing home, assisted living or home care, rent, food, medical care, and home maintenance or repair. Be sure to include a monthly amount for Tom 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 health insurance will not cover. Help Tom stick to his budget.
- **Share all important information with Tom.** To make good decisions, Tom will need all available information. Make sure that Tom is aware of anything that could influence his decision.
- **Help Tom understand his options.** In making a decision, Tom may not immediately understand all the options available to him. Help him explore any possibilities and think through the consequences of each particular option.



## Avoid possible conflicts of interest.

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

### Whose car is it?

You helped Tom decide to buy a car with his money. You use the car to drive him to appointments, but most of the time you drive it just for your own needs. This may be a conflict of interest.

### Should you do business with family?

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

- **Help Tom invest carefully.** If Tom wants your help in making investments, 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://sec.gov/investor/alerts/ib_top_tips.pdf). Discuss Tom’s choices and goals for investing based on his needs and values.
- **Help Tom pay all taxes and bills on time.** Make sure bills are sent to you. Review bills and bank statements promptly.
- **Help Tom buy insurance if necessary and cancel any insurance policies that he does not need.**
- **Help Tom collect any rent or debts owed to him.** Find out if anyone owes Tom money, and help him figure out how to collect it.
- **Help Tom keep true and complete records of his money and property.** If Tom wishes, be ready to share your records with Tom’s family—unless you think they will misuse the information to harm Tom. You might encourage Tom to:
  - » Keep a detailed list of everything that he receives or spends. Records should include the amount of checks written or deposited, dates, reasons, names of people or companies involved, and other important information.
  - » Keep receipts and notes, even for small expenses. For example, Tom might write “\$50, groceries, ABC Grocery Store, May 2” in his records soon after he spends the money.
  - » Avoid paying in cash when possible. It is harder to keep good records when paying expenses with cash. Also, encourage him to try not to use an ATM card to withdraw cash or write checks to “Cash.” If he needs to use cash, encourage him to keep receipts or notes.
- **There’s no place like home.** If the supported decision-making agreement allows you to help with decisions regarding shelter, help Tom determine if living in his home is safe and if he can manage in the house. If needed, help him 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 Tom makes the home easier to live in, but you should encourage him to talk to an accountant or an attorney before claiming a credit or taking a deduction. If others are authorized to act on Tom’s behalf—for example, an agent under a power of attorney or trustee under a revocable trust—work with them to make these decisions as necessary. If it is not safe for Tom to live at home even with changes—or if Tom wants to move—**consider other places that meet Tom’s needs. Try to keep him connected to people and things that are important to him.** Options might include living with someone else or living in a retirement community, a senior apartment, a group home, assisted living, or a nursing home.



## Responsibility 3: Keep Tom's private information private

Under the agreement, you may have to gather certain personal information about Tom, like medical, financial, or educational records. With that authority comes the responsibility to keep that information private. Your access to that information is only for the purpose of helping Tom make specific life decisions. **Do not share this information with anyone, even Tom's friends or family, without his permission.** You may even have to help Tom decide whether sharing personal information is in his best interests.

## Responsibility 4: Help Tom communicate his decisions as necessary

Under the supported decision-making agreement, you are authorized to help Tom communicate any decisions you help him make as necessary. To do so, you may have to contact family members, medical professionals, financial institutions, or government agencies. Make sure that once Tom makes a decision, you help him do what is necessary to follow up and carry out that decision. But always make sure that if Tom intends to keep any information private, you do not share that information with anyone.

### Can Tom get any benefits?

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Under the supported decision-making agreement, you might be authorized to help Tom find out if he is eligible for any financial or health care benefits from an employer or a government. For instance, you could help Tom apply for other private benefits such as employer pensions or disability, or public benefits such as Medicaid, 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*.

The Area Agency on Aging where Tom lives can help you find information. Find the local Area Agency on Aging through the Texas Health and Human Services Commission at *hhs.texas.gov/services/aging*.

# More things you should know

## Other decisionmakers

Other people may have authority to make decisions for Tom. 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 veterans' benefits. It is important to work with these other people and to keep them informed of Tom's decisions (but only if he wishes) as you help him make those decisions.

## Government benefits

As supporter, you cannot manage or change how Tom receives his 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 or read our guide titled *Managing Someone Else's Money in Texas: Help for Representative Payees and VA Fiduciaries* at [protecttheirmoneytx.org](https://protecttheirmoneytx.org).

## Problems with family or friends

Tom's family or friends may not agree with decisions you help Tom make concerning his money and property. To help reduce any friction, follow the suggestions described above and the guidelines we have given you.

- **Help Tom communicate his decisions (unless Tom has said that you should not).** It usually is easier to deal with questions about a decision immediately rather than to deal with suspicion and anger that may build over a long time. There may be less friction with family and friends if they understand Tom's decisions and how he reached them.
- **Some family or friends may not have Tom's best interest at heart,** so it may be better not to share information with them. Use your best judgment and always follow Tom's intentions.
- **If family or friends don't agree with Tom's 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 24 of

this Guide. But in the end, Tom is entitled to make his own decisions, and your job is to help him make the best decision for himself.

## Other professionals

In helping Tom make decisions, 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.

If you need help from any professionals, remember these tips:

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

### Medicaid is complicated.

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Encourage Tom to get legal advice and be very careful about decisions that may affect his eligibility for Medicaid, especially before selling his home or signing anything that affects his ownership of his home. The Medicaid program provides medical assistance and long-term care to low-income people. For more information, visit [hhs.texas.gov/services/health/medicaid-chip](https://hhs.texas.gov/services/health/medicaid-chip). To apply for Medicaid, visit [yourtexasbenefits.com](https://yourtexasbenefits.com).

# Watch out for financial exploitation

Family, friends, neighbors, caregivers, fiduciaries, business people, and others may try to take advantage of Tom. 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 Tom's supporter, you should help protect him. You should know the signs of financial exploitation for five important reasons:

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

## Common signs

- **If you think some money or property is missing, or Tom says that some money or property is missing, consider looking for common signs of exploitation or sudden changes in Tom's spending or savings.** For example, he:
  - » takes out lots of money from the bank without explanation;
  - » tries to wire large amounts of money;
  - » uses the ATM a lot;
  - » is not able to pay bills that are usually paid;
  - » buys things or services that don't seem necessary;
  - » puts names on bank or other accounts that you do not recognize or that he is unwilling or unable to explain;
  - » does not get bank statements or bills;
  - » makes new or unusual gifts to family or others, such as a "new best friend";

- » changes beneficiaries of a will, life insurance, or retirement funds;
- » has a caregiver, friend, or relative who suddenly begins handling his money; or
- » spends considerable time with telemarketers and home shopping networks.
- **There may also be exploitation issues when Tom says he is afraid or seems afraid of a relative, caregiver, or friend, or when**
- **A relative, caregiver, friend, or someone else keeps Tom from having visitors or phone calls, does not let him speak for himself, or seems to be controlling his decisions.**

### **What can you do if Tom has been exploited?**

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Call the emergency 911 number if Tom 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 [txabusehotline.org/Login/Default.aspx](http://txabusehotline.org/Login/Default.aspx).

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

### **What can you do if Tom has been scammed?**

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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...**

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

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 24.

# Be on guard for consumer scams

As Tom's supporter, 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 Tom—and against you as his supporter.

## How can I protect Tom from scams?

Consumer scams happen on the phone; through the mail, email, or the Internet; and they can occur in person, at home, or at a business. Here are some tips:

- **Put Tom's number on the National Do Not Call Registry.** Go to [donotcall.gov](https://donotcall.gov) or call 1-888-382-1222.
- **Don't share numbers or passwords for Tom'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 get legal advice before signing. Also watch out if you are told that you need to pay the seller quickly, for example by wiring the money or sending it by courier.
- **Never pay up front for a promised prize.** Suspect a scam if you are required to pay fees or taxes to receive a prize or other financial windfall.
- **Watch for signs Tom already has been scammed.** For example, does he receive a lot of mail or email 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?

## Common Consumer Scams

<b>Relative in need</b>	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.
<b>Charity appeals</b>	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.
<b>Lottery or sweepstakes</b>	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.
<b>Home improvement</b>	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.
<b>Free lunch</b>	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."
<b>Free trip</b>	Scammers say you've won a free trip but they ask for a credit card number or advance cash to hold the reservation.
<b>Government money</b>	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.
<b>Drug plans</b>	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.
<b>Identity theft</b>	Scammers steal personal information—such as a name, date of birth, Social Security number, account number, or mother's maiden name—and use the information to open credit cards or get a mortgage in someone else's name.
<b>Fake "official" mail</b>	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*

*[dfps.state.tx.us/Contact\\_Us/report\\_abuse.asp](https://dfps.state.tx.us/Contact_Us/report_abuse.asp)*

*Texas Abuse Hotline:*

*[texaabusehotline.org/Login/Default.aspx](https://texaabusehotline.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*

*[hhs.texas.gov/services/aging](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*

*[texasattorneygeneral.gov/cpd/consumer-protection](https://texasattorneygeneral.gov/cpd/consumer-protection)*

### **Better Business Bureau**

The Better Business Bureau ("BBB") can help consumers with complaints against businesses.

*[bbb.org/file-a-complaint](https://bbb.org/file-a-complaint)*

*BBB of Abilene--13 Mid-West Texas Counties*

*1-325-691-1533*

*[bbb.org/local-bbb/bbb-of-abilene](https://bbb.org/local-bbb/bbb-of-abilene)*



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

[bbb.org/local-bbb/better-business-bureau-serving-the-concho-valley](http://bbb.org/local-bbb/better-business-bureau-serving-the-concho-valley)

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

[bbb.org/local-bbb/bbb-serving-north-central-texas](http://bbb.org/local-bbb/bbb-serving-north-central-texas)

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

[bbb.org/local-bbb/southeasttexas](http://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

[bbb.org/local-bbb/bbb-serving-the-heart-of-texas](http://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

[bbb.org/local-bbb/bbb-of-greater-houston-and-south-texas](http://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

[bbb.org/local-bbb/bbb-serving-northeast-and-central-louisiana-and-the-ark-la-tex](http://bbb.org/local-bbb/bbb-serving-northeast-and-central-louisiana-and-the-ark-la-tex)

*BBB El Paso*  
1-915-577-0191

[bbb.org/local-bbb/bbb-of-el-paso](http://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

[bbb.org/local-bbb/bbb-serving-central-east-texas](http://bbb.org/local-bbb/bbb-serving-central-east-texas)

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

[bbb.org/local-bbb/bbb-of-amarillo](http://bbb.org/local-bbb/bbb-of-amarillo)

<b>Texas Veterans Commission</b>	<p>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.</p> <p>1-800-252-8387</p> <p><a href="http://tvc.texas.gov">tvc.texas.gov</a></p> <p><a href="mailto:info@tvc.texas.gov">info@tvc.texas.gov</a></p>
<b>Texas Veterans Portal</b>	<p>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.</p> <p>1-800-2273-8255 or 2-1-1 (option 1)</p> <p><a href="http://veterans.portal.texas.gov">veterans.portal.texas.gov</a></p>
<b>Local Resources</b>	<p>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.</p> <p>1-800-677-1116</p> <p><a href="http://eldercare.acl.gov">eldercare.acl.gov</a></p>
<b>Long-Term Care Ombudsman Program</b>	<p>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.</p> <p>1-800-252-2412</p> <p><a href="http://apps.hhs.texas.gov/news_info/ombudsman">apps.hhs.texas.gov/news_info/ombudsman</a></p>
<b>Texas Association of Mediators</b>	<p>Find a listing of local mediators in Texas. Mediation can help resolve disputes and may sometimes be an alternative to legal action.</p> <p><a href="http://txmediator.org">txmediator.org</a></p> <p>(click on "Member Locator" then "View All Members for list of Texas mediators)</p>

## Medicaid/medical assistance

<b>Texas Medicaid Information</b>	<a href="http://hhs.texas.gov/services/health/medicaid-chip/medicaid-chip-program-services">hhs.texas.gov/services/health/medicaid-chip/medicaid-chip-program-services</a>
<b>Texas Health and Human Services Commission</b>	<a href="http://yourtexasbenefits.com/Learn/Home">yourtexasbenefits.com/Learn/Home</a>
<b>Texas Health Options</b>	<p>This state resource can help you understand how to find and use health insurance.</p> <p>1-800-252-3439</p> <p><a href="http://texashealthoptions.com">texashealthoptions.com</a></p> <p><a href="mailto:ConsumerProtection@tdi.texas.gov">ConsumerProtection@tdi.texas.gov</a></p>

## **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.

[txsheriffs.org/texas-sheriffs-list](https://txsheriffs.org/texas-sheriffs-list)

# Federal agencies

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

<b>Consumer Financial Protection Bureau</b>	<i>1-855-411-CFPB</i> <i><a href="https://consumerfinance.gov">consumerfinance.gov</a></i>
<b>Do Not Call Registry</b>	<i>1-888-382-1222</i> <i><a href="https://donotcall.gov">donotcall.gov</a></i>
<b>Federal Bureau of Investigation</b>	<i><a href="https://fbi.gov/scams-safety">fbi.gov/scams-safety</a></i>
<b>Federal Trade Commission</b>	<i>1-877-FTC-HELP (382-4357)</i> <i><a href="https://consumer.ftc.gov">consumer.ftc.gov</a></i>
<b>Postal Inspection Service</b>	<i>1-877-876-2455</i>  <i><a href="https://postalinspectors.uspis.gov">postalinspectors.uspis.gov</a></i>
<b>Social Security Administration</b>	<i>1-800-772-1213</i>  <i><a href="https://socialsecurity.gov/payee">socialsecurity.gov/payee</a></i>
<b>Department of Veterans Affairs</b>	<i>1-888-407-0144</i>  <i><a href="https://benefits.va.gov/fiduciary">benefits.va.gov/fiduciary</a></i>

## Legal help

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

<b>State Bar of Texas</b>	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. <a href="https://texasbar.com/Content/NavigationMenu/AboutUs/StateBarPresident/TexasLawyersforTexasVeterans/Resources_for_Vetera.htm">texasbar.com/Content/NavigationMenu/AboutUs/StateBarPresident/TexasLawyersforTexasVeterans/Resources_for_Vetera.htm</a>
<b>Texas Legal Services Center</b>	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 <a href="https://tlsc.org">tlsc.org</a>
<b>Legal Aid of Northwest Texas</b>	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. <a href="https://lanwt.org">lanwt.org</a>
<b>Lone Star Legal Aid</b>	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. <a href="https://lonestarlegal.org">lonestarlegal.org</a>
<b>Pro Bono Program Listings in Texas</b>	<a href="https://probono.net/oppsguide/search?state=TX">probono.net/oppsguide/search?state=TX</a>
<b>Houston Volunteer Lawyers</b>	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 <a href="https://makejusticehappen.org">makejusticehappen.org</a>
<b>Texas RioGrande Legal Aid</b>	Providing free legal services to low-income residents in 68 counties of Southwest Texas. <a href="https://trla.org">trla.org</a>
<b>Lawyer Referral Service (LRS) of Central Texas</b>	Reduced fee program for family law matters, uncontested guardianship cases, and drafting simple wills. <a href="https://austintlrs.com">austintlrs.com</a>

<b>Dallas Volunteer Attorney Program</b>	<p>Providing telephone referral of low-income individuals to volunteer attorneys who provide free legal services. Applicants must be Dallas County residents.</p> <p>1-214-243-2236</p> <p><a href="http://dallasvolunteerattorneyprogram.org">dallasvolunteerattorneyprogram.org</a></p>
<b>Texas Rio Grande Legal Aid (El Paso, South &amp; West Texas)</b>	<p>Providing free legal services to indigent residents of South and West Texas and to migrant and seasonal farm workers throughout Texas.</p> <p>1-915-585-5100</p>
<b>Community Justice Program (San Antonio)</b>	<p>Providing free neighborhood-based legal services to individuals who may not otherwise have access to the legal system.</p> <p><a href="http://sanantoniobar.org/about-cjp/">sanantoniobar.org/about-cjp/</a></p>
<b>Fee-for-service lawyers</b>	<p>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.</p> <p><a href="http://findlegalhelp.org">findlegalhelp.org</a></p>

## Accounting help

<b>American Institute of CPAs</b>	<p>Find a local certified public accountant.</p> <p><a href="http://us.aicpa.org/forthepublic/findacpa.html">us.aicpa.org/forthepublic/findacpa.html</a></p>
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**Find this and the rest of the Guides in the series at [protecttheirmoneytx.org](https://protecttheirmoneytx.org)**

**For more information on the work of AARP in Texas, visit [aarp.org/tx](https://aarp.org/tx)  
To learn more about Texas Appleseed, go to [texasappleseed.org](https://texasappleseed.org)**