

Abuse of Power of Attorney or Guardianship

When a person has a guardian or a power of attorney (POA), it is important that the person keep as many rights and as much independence as possible. However, sometimes guardians or POAs might abuse their role. This resource reviews some of the warning signs that a guardian or POA might be abusing their powers.

WARNING SIGNS OF ABUSE:

- The person who needs to be cared for (the person who is “incapacitated”) appears neglected. For example, they might appear dirty, have unwashed clothes, smell bad, or appear to be losing a lot of weight.
- The guardian or POA might make it difficult for the person to speak to anyone else unless they can supervise the conversation.
- Choices and decisions being made for the individual do not seem to reflect their wishes or past goals shared by the person.



- There are major changes in the level of care the person receives. For example, in-home staff have been suddenly stopped, or the person is suddenly moved to a residential care facility.
- Bills are not being paid. Missed payments, returned checks, and/or cancellation of services can be one of the first signs there is a problem.

WHAT ARE GUARDIANS EXPECTED TO DO:



- Guardians should visit with the person regularly to check on them and make sure they are doing well.
- Guardians should help the person to speak up about what they want and allow them to make decisions for their own life.
- Guardians should keep their money in a separate account from the other person’s money.
- Guardians should keep receipts and detailed notes about how the person’s money is being spent.

IF YOU SUSPECT ABUSE:

If you suspect someone is abusing their power of attorney or guardianship, it is important to say something. Report concerns about abuse of an adult with a disability by calling Adult Protective Services on the Statewide Elder Abuse Hotline at **1-800-490-8505**.

