

- Unapproved withdrawal of funds using the ATM card
- Missing funds and valuables
- Unpaid bills
- Unapproved transfers of property
- Not keeping receipts of bills and purchases
- Purchasing items that don't seem necessary for the dependent adult
- Withholding bank statements/secretiveness

### Consequences of POA violations

You must be trustworthy, honest and act in good faith. If you do not meet these standards, you could be removed as the POA. You may also be sued or prosecuted and have to repay money. Misuse of a POA is a **crime** (not a private family matter or issue for civil court). Misuse of funds or property may result in the following:

- Law Enforcement Involvement
- District Attorney Involvement
- Adult Protective Services Involvement
- Name placed on the Abuse, Neglect, Exploitation Central Registry
- Felony Conviction (misuse of funds/resources of a \$1,000 or more)

*This document is not intended to override law or regulations. This document is not considered legal advice; consider consulting an attorney for specific legal guidance.*

Anyone who has Power of Attorney on behalf of a dependent adult, or an older adult, must follow the terms of the Power of Attorney and be acting in the best interest of the individual who granted the Power of Attorney. Failure to do so may result in a criminal conviction.

### How to Report Adult Abuse

Report adult abuse immediately, if an adult is in imminent danger. Here's how:

Kansas Protection Report Center  
**1-800-922-5330**  
 or  
 Local Law Enforcement  
**911**

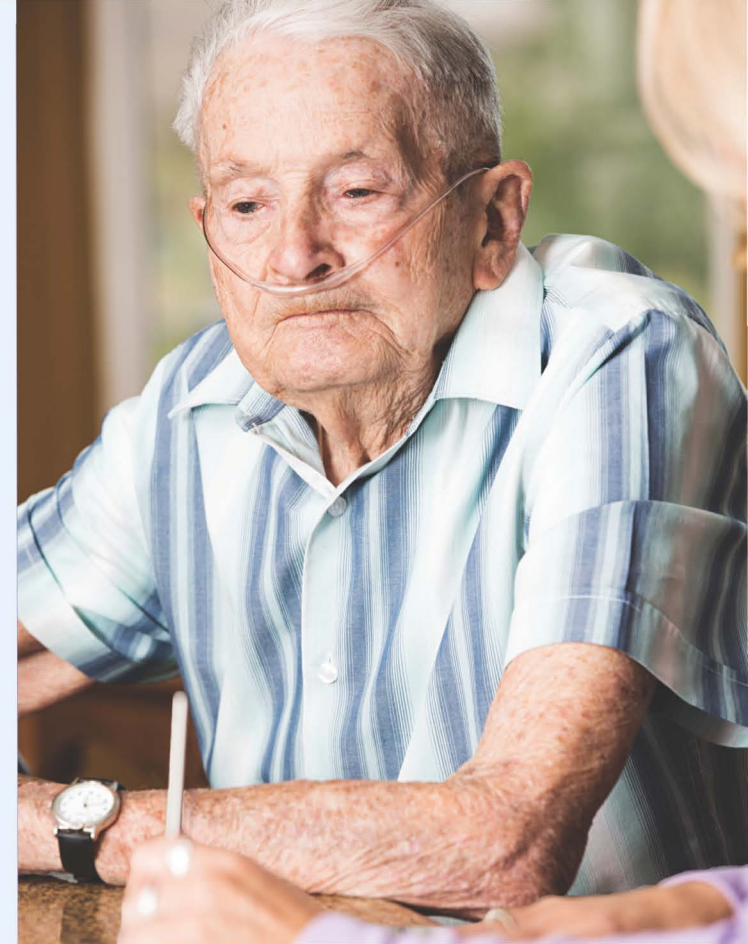
Adult Protective Services  
**www.dcf.ks.gov**

If it's not your  
 money, taking it  
 is a crime.



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REV 8/15



## Understanding Your Role as Power of Attorney



*Strong Families Make a Strong Kansas*

## Duties of the Power of Attorney

Power of Attorney (POA, also known as an agent) requires you to manage the dependent adult's money and property for their benefit, not yours. There are many legal responsibilities and consequences that come with being a Power of Attorney.

- Act in the best interest of the older or disabled adult.
  - Read and understand POA requirements.
  - Your authority is limited to what the document and State law allows.
  - Follow the directions in the POA document.
  - Communicate with the dependent adult.
- Avoid self-dealing. Don't borrow, loan or give money to yourself from the dependent adults funds.
- Avoid conflict of interest.
- Keep money and property separate, never mix your or someone else's money or property with those of the dependent adult:
  - Avoid joint bank accounts.
  - Keep titles of property in the dependent adult's name.
  - Financial record confusion can get the POA into potential trouble with law enforcement and Adult Protective Services.



- Know how to sign as the agent (ex: John Doe, agent for Rosie Red).
- Do not use your own money to pay the bills for the dependent adult. Keep a clean paper trail.
- Keep records of receipts, disbursements and transactions made on behalf of the older or disabled adult.
  - Try to avoid cash withdrawals. If unavoidable, keep receipts/notes of how the money was used.

## The Law Governing POA Duties

Taking the personal property or financial resources of a dependent adult for your personal benefit or another person by taking control, title use or management of the personal property or financial resources of a dependent adult through undue influence, coercion, harassment, duress, deception, false representation, false pretense or without adequate consideration to such dependent adult or a violation of the Kansas Power of Attorney Act; or a violation of the Kansas Uniform Trust Code, may constitute financial exploitation in violation of Kansas statutes.



## Signs of Misuse of Funds

- Changing account beneficiaries
- Sudden unexplained changes in bank accounts or banking practices
- Unexplained withdrawals of money
- Transfers of money from the dependent adults account to the POA's account

*(continued on the next page)*

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