







DID YOU KNOW?

In NYS in 2013 only 1 in 35 incidents of elder abuse came to the attention of the authorities

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DID YOU KNOW?

A 2010 study estimated the net impact of financial exploitation of the elderly to be \$3 billion annually!


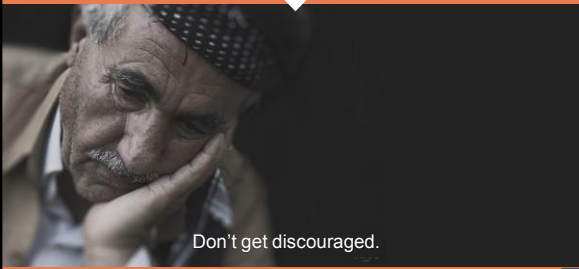
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Capacity Needed To Sign a Power of Attorney


- 01 This is an art, not a science
- 02 There are many tools available & differing standards
- 03 Need the ability to comprehend the act of executing and granting a Power of Attorney.

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Don't get discouraged.

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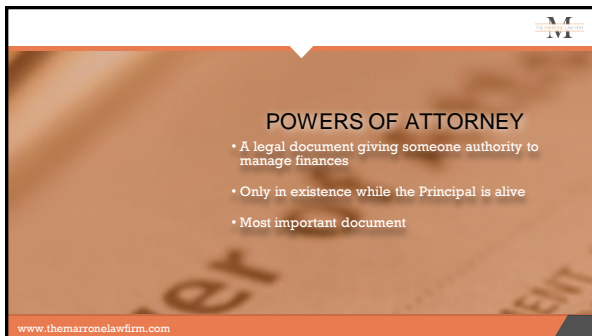


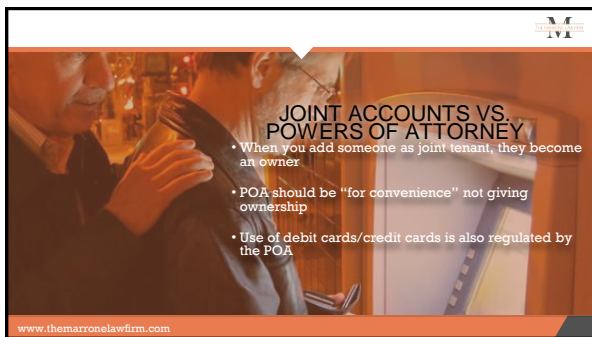
Guardianship vs. Power of Attorney

- 01 Guardianship (Article 81 of MHL) needs to be least restrictive means of assisting elderly person
- 02 Guardianship can be more robust than POA (or limited)
- 03 Much more cost-effective to have POA vs. guardianship

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Family Members Monitoring Performance of Agent

- 01 Certain members of the Principal's family are entitled to records
- 02 Under General Obligations Law Agent has to provide copy of POA and records
- 03 Relief can be compelled by a special proceeding


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SPECIAL PROCEEDINGS

- Proceeding to bring and approve an accounting by the Agent
- Court has wide latitude to create solutions
- POA can be revoked

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Accounting Proceedings & Criminal Prosecution

- 01 Another option is to bring a proceeding to compel an accounting if the Principal has passed away
- 02 Criminal laws have been updated regarding financial exploitation of the elderly
- 03 Consider involving the DA's & Sheriff's office to assist with investigations for possible criminal issues

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