



March—April 2010

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Special points of interest:

- The Arvada Police Dept. created the Senior Liaison Officer position to address the needs of our city's senior population.
- Most crimes against seniors involve financial exploitation — that include frauds, scams, and cons.
- The Lockbox Program provides a house key for emergency medical responders in the event the senior cannot get to the door.

Powers of Attorney

Whether young or old, you should decide who will make medical and financial decisions for you in case you become incapacitated by a debilitating physical disease or mental impairment, whether permanent or temporary. In order to give legal effect to your decision, you should prepare a document granting someone the legal ability to act on your behalf. The legal document is called a durable power of attorney.

What is a power of attorney?

Essentially, a power of attorney is a legal document that grants legal rights and powers by a person (the “principal”) to another (the “agent” or “attorney-in-fact”) to make decisions on behalf of the principal. The agent has the obligation to make decisions based upon the preferences of the principal and the authority granted in the document. An agent may not override the wishes of the principal.

What is a durable power of attorney?

A “durable” power of attorney permits an agent to make decisions even if the principal becomes incapacitated. To make your power of attorney durable, you must include language that states that “this power of attorney shall not be affected by disability of the principal” or “this power of attorney shall become effective upon the disability of the principal” or similar words to confirm that you intend for the power to continue in spite of subsequent disability or illness.

Why should I have a durable power of attorney?

If you become incapacitated because of an accident or illness, your agent can immediately step in and make decisions for you without going to court to obtain a guardianship and/or conservatorship. Guardianship and conservatorship proceedings may be expensive, public, and time consuming. By preparing a durable power of attorney in advance, you decide who will make your decisions and, by doing so, you may save your family the stress and expense of petitioning the court.

How do I create a power of attorney?

Any adult who understands what he or she is doing can create a (cont. on pg 2)

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Check out our new **SCAM HOTLINE** at **720-898-6739**. Now anyone can call 24 hours a day, 7 days a week to hear scam information from Officer Sikkema. If you or your friends get tempted by one of the many scams out there, call the hotline first for an encouraging and money-saving message.

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Call the Hotline at 720-898-6739 anytime, anywhere.

Powers of Attorney (cont)

power of attorney by writing down exactly what he or she wants the agent to do. Once the document has been prepared, it should be notarized. Because a power of attorney should be tailored to your particular circumstances, it should be written by an attorney to ensure that your intentions are clearly expressed. If you choose not to hire an attorney, using the Colorado “Statutory Power of Attorney” is probably the next best form to use.

When does a power of attorney take effect?

When a power of attorney takes effect depends on what the document directs. There are two primary ways a power of attorney takes effect. The first is referred to as a “springing power,” which means the document will take effect only when an event described in the instrument takes place. Typically, this would be when the principal is incapacitated as determined by a licensed physician. The second type is a “standing power” that takes effect as soon as it is signed by the principal. Some powers of attorney may blend these two concepts. For example, a principal may direct that a power of attorney is “standing” if the principal’s spouse is acting as agent; however, if the spouse cannot act, the successor agent’s power may be “springing.”

Does a power of attorney take away a principal’s rights?

A power of attorney does not take away a principal’s rights to make decisions. An agent simply has the power to act along with the principal in accordance with the authorization set forth in the document. Only a court, through a guardianship and/or conservatorship proceeding, can take away a principal’s rights.

Can a principal change his or her mind?

A principal may change his or her mind and revoke a power of attorney at any time, so long as the principal has capacity. All a principal needs to do to revoke a power of attorney is send a letter to the agent notifying the agent that his or her appointment has been revoked. From the moment the agent receives a revocation letter, he or she can no longer act under the power of attorney. The principal should also send a copy of the revocation to any institution or person that may have received notice of the original power of attorney, such as doctors or banks. Otherwise, those individuals or institutions may continue to rely on the power of attorney until given notice of the revocation.

Whom should I name as my agent or attorney-in-fact?

The agent selected to act under a power of attorney should be a trusted individual who is at least 21 years of age. Common choices for agents are a spouse, an adult child, a sibling, or a trusted friend. Some principals choose professional fiduciaries to serve as agent. Either way, it is always recommended to ask the person you want to name for permission to name them as an agent to ensure that they are willing to accept the appointment.

(Article copied from the Senior Law Handbook. We will continue this article in the next issue of the Senior Siren)

As a senior citizen was driving down the freeway, his cell phone rang. Answering, he heard his wife's voice urgently warning him, "Herman, I just heard on the news that there's a car going the wrong way on I-70. Please be careful!"

"Heck, " said Herman, "It's not just one car. It's hundreds of them!"

Upcoming Events -- An Invitation to TRIAD!

Banking in the 21st Century: Keeping you Protected

Tuesday, March 16th, 1:30 p.m.

Arvada Estates, 7175 Kipling Street

Learn what measures banks employ to keep older adults from becoming victims of fraud involving banks. Hear how scams are caught or sometimes missed by bank employees. Bring your questions concerning the security of banks. Presented by Pam Larson, Senior Investigator, Corporate Security for Bank of the West and Janell Kavanaugh, Fraud Prevention for Wells Fargo Bank.

Seniors Only: District Attorney's NEW "Elder Crimes Unit"

Tuesday, April 20th, 1:30 p.m.

Arvada Estates, 7175 Kipling Street

Jefferson/Gilpin Counties are one of the first judicial districts to designate an Elder Crimes Unit to pursue and prosecute crimes against at risk adults age 60+. The DA has appointed both a prosecutor and a lead investigator to make a stand against senior crime. Come and meet the new team.

Everyone is invited! Bring a Friend!
Share this invitation with your community.

Come to a

TRIAD meeting!

It is a chance to

learn and share

valuable crime

fighting information!

Scam of the Month

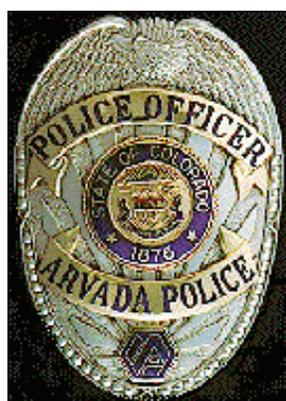


From the desk of
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Advance-Fee Loans

The scam: You've heard the pitch: You are "guaranteed" a loan or credit card, regardless of your income, job status, or past credit history. The catch: You must pay an up-front fee before receiving the money or plastic. The result: The loan or credit card never materializes, and your advance fee is lost.

Although legitimate lenders may charge for applications and credit reports, these scams differ in that they require an advance payment for the promise of a loan—an illegal act, according to the Federal Trade Commission. (Credit-card companies do not charge customers to secure a card.) These loan sharks often claim that their fees will go to a third party for credit insurance or a related service; sometimes they even fax materials using stolen or forged logos and letterheads from legitimate companies. The loan and credit-card contracts they provide are fake; they are interested only in the advance fee, which can be hundreds—even thousands—of dollars. These scams are often solicited via phone. Many advance-fee loans are also promoted in the classified sections of newspaper and magazines, or through di-

rect-mail advertisements.

Rip-off tip-off: When was the last time Citibank or another leading bank advertised its loan services in a small classified ad in the local newspaper? Another clue: Many advance-fee scams provide contact information with the area codes 416, 647, 905, or 705—all from Canada (although sometimes U.S. based toll-free area codes 800, 866, or 877 are used). Some scammers require that advance fees be sent via Western Union, or that personal checks be made payable to an individual rather than a business.

Your protection: Ignore any request for up-front payment for the promise or "guarantee" of a loan. Many advance-fee scams originate in Canada; to investigate advance-fee phone solicitations, call PhoneBusters in Canada at 888-495-8501.

I cannot say it enough:

If you have to send money to win money or get money, **It is a Scam!** Call me at 720-898-6724 or the Scam Hotline at 720-898-6739 24 hours a day, 7 days a week. **Be smart, make the call, save your money.**