

I THINK THE PERSON WHO HAD ME SIGN A POWER OF ATTORNEY, OR THE PERSON ACTING AS MY AGENT UNDER A POWER OF ATTORNEY IS DOING SOMETHING WRONG.

What can I do?

I. BACKGROUND

A power of attorney is a written document. In the document one person (the principal—you) appoints someone else to help handle their affairs. The person who acts on your behalf or has the Power of Attorney is considered your agent. There are different types of powers of attorney, including durable power of attorney, regular power of attorney, etc. They can be written to give broad authority to act or written to give very limited authority to act on your behalf. Powers of attorney can be very helpful but they can also be abused. No matter what kind of power attorney you signed letting someone act for you, the law says your agents should look out for you.

Your agent has special responsibilities:

- must act in your best interests
- must follow your instructions
- must keep in regular contact with you
- must communicate with you

As to money and property, your agent:

- must act in your best interest
- must follow your instructions
- must keep your money or assets separate from theirs
- must keep accurate records of money and other property they deal with

The only way your agent can disobey your instructions is if a court orders him or her to do so.

If your agent is not acting in your best interests, the power of attorney should be revoked. If you are not completely comfortable with your agent, their powers should be revoked. The power of attorney can be terminated or revoked at almost any time.

II. HOW TO REVOKE A POWER OF ATTORNEY:

1. Send a simple letter to revoke the Power of Attorney. A sample form is included here. (Whenever possible include these details in your form if you have the information: the date you signed the original Power of Attorney, the agent's name, and language clearly stating that you are revoking all of the agent's power.)
2. Try to get the original power of attorney and all copies returned to you.
3. Copies of the completed form should also be delivered as soon as you can to any of the people or businesses or financial institutions who have been involved with the agent (your bank, for instance).
4. Record the form revoking the Power of Attorney with the appropriate Register of Deeds if your agent has handled real estate (property, land, houses, or the like) matters for you or is about to handle such matters.

NOTE: A PETITION CAN BE FILED WITH THE COURT IF YOU NEED SPECIFIC HELP OR YOUR AGENT REFUSES TO DEAL WITH YOU, OR FOLLOW YOUR DIRECTIONS OR WISHES, OR REPORT BACK TO YOU WITH A PROPER ACCOUNTING.

A petition can be filed if you need the court's help to decide whether a power of attorney has been revoked, whether actions taken by the agent were legal, or to stop the agent from acting or force the agent to act.

III. IF YOUR AGENT HAS CAUSED FINANCIAL HARM:

1. Consult with an attorney about various civil actions you can bring against the agent to recover funds. These actions can be filed to try to get money back or try to undo something that the agent has done improperly. -you could seek help from Legal Aid to do this (see Index under Legal Aid has a list of Agencies in Michigan, consult to Agency in your county).
2. Report the theft to the police. A criminal case may be filed if any laws were broken.

