The Georgia Consumer Protection Guide for Older Adults

Georgia Department of Law
Consumer Protection Division

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LETTER FROM ATTORNEY GENERAL

Dear Fellow Georgian:

Protecting Georgia's consumers from unfair and deceptive business practices is a major focus of the Georgia Department of Law. Our Consumer Protection Division is dedicated to stopping these practices and assisting those who have been victimized. We are equally committed to providing ongoing consumer education and outreach to help consumers avoid falling victim to scams in the first place.

Supporting our older Georgians is an integral part of our consumer protection mission. Older adults face unique challenges that can be difficult to navigate. They are often targeted by scammers who view them as particularly vulnerable to fraudulent and deceptive schemes. We have created this guide to empower older adults with the information and resources they need to make wise choices about their money, safety, assets and well-being while avoiding fraud and exploitation. Additionally, the guide educates readers on defenses carved out in Georgia law should they fall victim to abuse, in any form.

I welcome consumers to contact our office at (404) 651-8600 or online at www.consumer.ga.gov for additional information or to submit a complaint about an unfair or deceptive practice.

Sincerely,

Chris Carr
Attorney General

This guide is offered purely for educational purposes and should not be construed as legal advice. If you need advice on a particular issue or are facing a serious legal problem, you should always consider consulting with an attorney.

SCAMS: HOW TO RECOGNIZE AND AVOID THEM

Scams are rampant, with new ones popping up all the time as scammers adapt to new technologies, the latest trends and current events. Fraudsters perpetrate scams through phone calls, mail solicitations, emails, phony websites, online ads and by going door-to-door. Con artists often target older adults because they are frequently home during the day, have money saved, and may be too polite to hang up the phone or turn away a solicitor.

To avoid getting conned, be on the lookout for these **Red Flags of a Scam:**

- Being asked to pay money in order to receive a prize
- Pressure to act immediately
- Use of scare tactics, e.g. telling you a loved one is in danger, that your computer has been hacked or threatening arrest if you don't act now
- Insistence that you wire money
- Get-rich-quick and other promises that sound too good to be true
- Promises to recover money you've lost in other scams, for a fee

One way to avoid scams perpetrated over the phone is to add your number to the **Do Not Call Registry** by going to donotcall.gov. Telemarketers are forbidden from contacting you if your number is on the registry, although political and charitable organizations, as well as businesses with which you already have an existing relationship, are still allowed to call you. Being on the registry won't prevent scammers from calling since they usually disregard the Do Not Call Registry. That means that if you get a call from a telemarketer and you know you are on the Do Not Call Registry, *you know it is a scam*.

COMMON SCAMS

SWEEPSTAKES/LOTTERY SCAMS

How it works

You are told you have won a sweepstakes or foreign lottery. In order to collect your winnings, you are informed that you must first pay taxes or customs duties – typically via wire transfer. You send the money, but you never receive your winnings…because there was actually no sweepstakes or lottery to begin with.

What you should know

- Legitimate sweepstakes will never ask you to pay taxes or fees to receive your prize. If taxes are owed, you would simply report your winnings to the IRS when you file your annual tax returns.
- It is illegal to play a foreign lottery, so if you are informed that you won one, you know it's a scam. Besides, how could you win a foreign lottery if you never bought a ticket?
- Sometimes the scammers will send a check for a few thousand dollars to cover the alleged taxes or fees. They'll instruct you to deposit the check and then wire the money to them once the check has cleared. **Don't be fooled**. The check is a fake. Despite popular belief, just because a check "clears" your bank, it does *not* mean the check is legitimate. It can take weeks to discover that a check is counterfeit. By that time, the scammers have disappeared with the cash, and you are liable to the bank for the money you wired.

TECH SUPPORT SCAMS

How it works

You receive a phone call from someone claiming to be a representative from Microsoft. The caller tells you the company has detected a virus or malware on your computer and convinces you to allow him/her remote access to your computer to fix the problem. From there, scammers may ask for your credit card information so they can charge you for fake repair services, security software or a monthly maintenance contract. Even worse, they may install malware onto your computer that gives them access to user names and passwords for your accounts.

What you should know

- Microsoft does not make unsolicited calls to consumers about viruses, security issues or software fixes. If you get such a phone call, it's a scam.
- Do not give control of your computer to a third party who calls you out of the blue.
- Never provide your credit card or financial information to someone who calls and claims to be from tech support.
- Don't click on pop-up ads that claim your computer is infected with a virus, and do not call the number listed on those ads.
- If you are in need of technical support, it is best to contact an established electronics or computer retailer.

IMPOSTER SCAMS

Imposter scams are when fraudsters pose as someone you trust in order to trick you into paying them money. These scams often involve intimidation or scare tactics designed to persuade victims into handing over their money before they have had a chance to think it through. There are a variety of these scams. Below are some of the most common ones:

SOCIAL SECURITY SCAM

How it works

You receive a call from someone claiming to be a Social Security Administration (SSA) employee or law enforcement officer who tells you your Social Security account has been suspended because it's been linked to criminal activity. The scammer says your bank account is about to be seized and threatens to arrest you if you don't cooperate. You're told that to keep your money safe from the real criminals involved, you must empty your bank accounts, put the money on gift cards and provide the caller with the gift card numbers.

What you should know

- The SSA will never call to threaten your benefits, suspend your account or tell you to wire money, send cash or put money on gift cards.
- The real SSA number is 1-800-772-1213, but scammers sometimes use spoofing technology that will display that number in the caller ID. If you are not sure if the call is legitimate, hang up and dial 1-800-772-1213 to ensure you're speaking with the real SSA.
- Never give your bank account number, credit card number of any part of your Social Security number to anyone who contacts you out of the blue.

IRS SCAM

How it works

A scammer calls, claiming to be an IRS agent. The caller tells you that you owe money to the IRS and threatens to arrest you if you don't pay immediately by wiring the money or sending it through a prepaid debit card.

What you should know

- The IRS will *never* call you to demand immediate payment, insist that you pay a certain way, (e.g. by prepaid debit card), or ask for your credit or debit card number over the phone.
- If you do owe taxes, the IRS will first contact you via the U.S. mail. They will not demand that you pay taxes without allowing you to question or appeal the amount you owe.
- The IRS will not threaten to arrest you for not paying taxes.
- If you think you do owe taxes and are not sure whether a phone call or email is the real thing, *do not respond* to the caller or emailer. Instead, contact the IRS directly at 800-829-1040.

UTILITY SCAM

How it works

Con artists pose as representatives from your local gas or electric company. They may call or knock on your door, claiming that you have an unpaid balance and that unless you pay immediately – typically via Green Dot Money Pack prepaid cards or your credit card – they will shut off service.

What you should know

- Utility providers will *never* come to your door to collect payment.
- Utility companies will not call to ask for your credit card or bank information.
- Do not trust caller ID alone to verify the identity of the caller. Many scammers use spoofing technology to make the caller ID appear with a valid company name and/or phone number.
- If you think there may truly be a billing issue with your account, do not provide any information to the caller. Instead, hang up and call the phone number listed on your utility bill.

GRANDPARENT SCAM

How it works

The scammer claims to be your grandchild, one of his or her friends, or a law enforcement officer. The caller then makes up an urgent scenario requiring that money be sent immediately, e.g. your grandchild is in jail and needs bail money or became ill while traveling in a foreign country and needs money to come home.

What you should know

- A scammer can discover many personal details about someone via social media or through identity theft, so do not trust a caller at face value.
- If you receive a phone call of this nature, it is best to hang up and then try to verify the whereabouts of your grandchild by calling his or her cell phone directly or contacting his or her parents.

ONLINE ROMANCE SCAMS

How it works

Scammers create fake online profiles on dating websites using photos of other people. They are charming and smitten with you from the get-go, professing their love quickly, even though they have never met you. They often claim to be living, traveling or working abroad to explain why they are unable to meet in person. They then make up stories about how they urgently need money — for emergencies, hospital bills or a plane ticket to finally meet you — and ask you to wire it to them. Your money disappears and so does your new romantic partner.

What you should know

- If an online date asks you to send money, it's a scam.
- Be suspicious if an online romance is getting very serious but the person is never able to meet face-to-face.
- Never agree to open a bank account for someone, transfer money or re-ship goods they send you. These are signs of money laundering, which is a criminal offense.

INVESTMENT SCHEMES

How it works

You receive a phone call out of the blue about an investment that promises a high rate of return and no risk. But to take advantage of this once-in-a-lifetime opportunity, you have to act today. The truth is the investment is questionable at best, and may not even exist at all.

What you should know

- Don't trust promises of unusually high returns or risk-free investments. Every investment contains some amount of risk.
- Don't feel rushed. Pressure to act immediately is a red flag of a scam.
- Be very wary of foreign or "off-shore" investments. If there is a problem, it will be much harder to get your money back.
- Don't be persuaded by claims that "everyone" is in on the deal. Many scams target members of the same social circle or religious group to give victims a false sense of security.
- Don't rely solely on the information the investment promoter gives you; a scammer can easily create phony materials. Always do your own research before investing your money – even if the person promoting the investment is someone you know.
- If you are considering buying stock, check out the company's financial statements by using the Security Exchange Commission's (SEC) EDGAR database (www.sec.gov/edgar.shtml).
- Verify whether the person contacting you is licensed to sell securities in Georgia by contacting the Georgia Secretary of State's office at www.sos.ga.gov or 470-312-2640. You can also use the following resources to see if the person or company is the subject of any complaints or violations:
    - BrokerCheck (https://brokercheck.finra.org/)
    - investor.gov
    - FINRA's "Scam Meter" tool (tools.finra.org/scam_meter) gives you a report of any red flags based on your answers to a few questions.
- To report an investment scam, contact the Georgia Secretary of State's Securities Division at http://sos.ga.gov/index.php/securities or by calling 404-654-6021.

MYSTERY SHOPPER SCAMS

Mystery shopping or "secret shopping" is when a store pays you a fee to pose as a regular shopper in exchange for evaluating the store's customer service. While some of these opportunities are legitimate, many of the ads you'll encounter for mystery shoppers are just a ruse to swindle you out of your money. The scammers may lure you with promises that you can make easy money. All you have to do is go to their website and pay a "fee" to register or to get access to a directory of mystery shopping opportunities. But the only one who ends up making money is the scammer who collected the fee.

Another twist some scammers use is to tell you your first mystery shopping job is to evaluate the services of a wire transfer company like Western Union. They send you a large check and ask you to deposit it in your bank account and then wire back a portion of those funds. Unfortunately, the check turns out to be counterfeit and now you've wired your own cash to the scammers.

Remember that **legitimate mystery shopping jobs do not require you to pay money**. In addition, a request to wire money is a big red flag of a scam.

WORK-FROM-HOME SCAMS

While some of the ads for work-from-home jobs are legitimate, many of them are scams. You should always research a potential employer carefully and look out for these **red flags**:

- **Requests for payment**. The number one sign of a work-from-home scam is that you are asked to pay money up-front – whether for certification, training materials, background and credit checks or a job recruiter fee.
- **High salary for simple tasks or minimal experience.** Remember, if it sounds too good to be true, it probably is.
- **Requests that you deposit payments to your account and then wire money on behalf of the company.** This scenario is often used as a means of laundering stolen money. By carrying out this request you could be committing theft and wire fraud.
- **Vague job description.** Be suspicious of job listings that are vague or overly generic, never stating exactly who the company is, what they do and what the position entails.

Certain types of jobs are more commonly used by scammers. These include:

- **Envelope Stuffing or Rebate Processing** – You pay a small fee for this business opportunity and then learn that there is no work; instead, they want you to get others to buy the same work opportunity as you. You only earn money when they sign up.
- **At-home craft or assembly work** – The company says it will pay you for creating or assembling crafts. But first you have to pay a significant amount of money for supplies and equipment. After you complete and ship your work, the company tells you that the quality is not up to its standards and refuses to pay you.

- **Medical or claims processing** – In exchange for an investment of hundreds of dollars, you're told you'll get everything you need to launch your own medical billing business, including the software to process claims and a list of potential clients. But the lists are bogus or out-of-date and the software may not even work. Few people who make the investment are able to find clients or generate any income — let alone get their investment back.

MEDICAL ALERT AND HOME SECURITY SCAMS

There are two common variations of this scam:

- **Robocall offering free system** – You answer the phone to a pre-recorded message offering a free medical alert system, a system upgrade or saying someone has purchased a medical alert system for you as a gift. The message may state that the call is from Medicare. You are prompted to press "1" to speak with a live person, who immediately asks you to provide your financial information or Medicare account number to "expedite shipping and handling." You end up getting charged monthly for a system that you didn't need or one that is never delivered. Remember… *calls with pre-recorded sales messages are illegal* unless you have given the company your written permission to call. If you receive an unauthorized robocall, just hang up.

- **Door-to-door salesperson posing as your current provider** – In this scenario, the scammers come to your door claiming to be with your existing medical alert or home security system. They may claim that the system is due for an upgrade or that the current provider has gone out of business and they are representatives from the new company that has taken over. They pressure you into signing contracts and providing your payment information. You discover you've been conned when you start getting billed for two systems: one from your original, legitimate provider and the "new" system the scammers tricked you into buying.

To avoid this scam:

- Ask the salesperson for a photo ID and business card.
- Call your existing provider *using the phone number listed on your bill* to verify that the employees and the offer are legitimate.
- Rather than making a decision on the spot, ask the salesperson to leave you with literature that you can review.

DOOR-TO-DOOR SALES

Door-to-door salespeople frequently target older adults since they are often home during the day. While some door-to-door sales are legitimate, many are scams in which con artists use high-pressure sales tactics to coerce consumers into paying money for a product or service they do not need, or one that never materializes.

Tips to Avoid Door-to-Door Sales Scams

- It is wise not to allow a salesperson into your home unless you have a prescheduled appointment.
- Always ask to see the salesperson's ID.
- High-pressure sales tactics often indicate a scam. If you are feeling pressured, you do not have to be polite. You can interrupt, tell the person firmly that you are not interested and shut the door.
- Ask the salesperson to leave you with some written materials to review rather than signing a contract or making a purchase on the spot.
- Never sign a contract without first reading it thoroughly and making sure you understand everything.
- Get all prices, warranties and cancellation policies in writing.
- Never pay in cash.
- Door-to-door sales purchases of $25 or more are subject to the FTC's Cooling-Off Rule, which gives you the right to **cancel your purchase within three business days and receive a full refund**. If the seller fails to do any of the following, he/she is violating the law:
    - Tell you that you have the right to cancel the order within three business days for a full refund
    - Provide you with a written summary of your cancellation rights
    - Give you two copies of the cancellation form (one to keep and one to send if you decide to cancel your purchase)
    - Give you a copy of your contract or receipt
- Report any door-to-door scams or violations to the **Georgia Department of Law's Consumer Protection Division** by calling 404-651-8600 or by going to www.consumer.ga.gov.

MAGAZINE SALES

Magazine scams may occur via the phone, door-to-door, on-line or through mail solicitations. Scammers trick consumers into paying many times more than the regular subscription price or paying money for magazines that are never received. Refunds may be difficult or impossible to obtain. Here are some common magazine scams:

- **Mail solicitations designed to look like renewal invoices.** You receive a postcard in the mail that looks like a renewal notice from your existing magazine publisher. It indicates that your magazine subscription is about to expire. Although the fine print may disclose that this is a solicitation, not a bill, many consumers do not notice or read the fine print. If you respond to the solicitation, you will end up paying a much higher than normal price for your subscription and you may find it difficult to cancel the subscription and get a refund.
- **Door-to-door sales benefitting a school activity or charity.** A high school or college-aged youth comes to your door selling magazine subscriptions that will supposedly help fund a school activity or charity. The magazines are overpriced, but you are willing to overlook that in order to support a good cause. It turns out that the whole thing is a ruse. You are now out the money you paid, have no magazines to show for it, and cannot get ahold of the company.
- **You've won a prize.** A scammer calls and tells you that you have won a valuable prize and that in order to collect it you must order a magazine service that costs just "pennies a day." You agree to sign up for the service and provide the caller with your credit card information. The scammer then charges you more than $1,000 for magazines and you never receive your prize.

Tips for Buying Magazines

- Pay online at the magazine's website or contact the subscription department by phone using the number listed in the magazine itself or on the magazine's website.
- Never pay in cash. It is safest to use credit cards because they offer protection against fraudulent charges.
- Ask to see the terms and conditions for the subscription before you purchase. Legitimate magazines will be happy to provide you with that information in writing.
- If someone comes to your door selling magazines to fund a school activity, contact the school directly to verify that it is actually running the promotion described.
- Don't get rushed into making a decision. Take your time and make sure you understand what you are agreeing to.

CHARITABLE GIVING

Be careful when donating money to a charity, as not all of them are legitimate. What's more, even properly established organizations spend varying amounts of the donations on the actual programs they support, so it's important to do your research.

Before you donate

- The following websites can help you determine whether an organization is reputable and how likely it is to use your money effectively and efficiently:
  - give.org
  - charitynavigator.org
  - charitywatch.org
  - guidestar.org
- Consider donating only to charities you know and trust.
- Never give out your credit card or bank account information to a telephone solicitor. Instead, ask the caller to mail you information.

Red flags that may indicate a scam

- High-pressure sales tactics or excessively emotional appeals.
- Unsolicited emails–especially from someone claiming to be a victim–asking for your credit card or bank account information.
- Insistence that you pay via cash or wire transfer.
- Charities that pop-up quickly following a tragedy or natural disaster.
- Organization refuses to provide detailed information about its identity, mission, costs, how the donation will be used or proof that contributions are tax-deductible.
- Uses a name that closely resembles that of a better-known, reputable organization.

REPORTING FRAUD

You can report suspicious charitable solicitations to the Georgia Secretary of State's Charities Division by calling 404-654-6021 or sending an email to charities@sos.ga.gov.

HOME REPAIR AND IMPROVEMENT

Home repair scammers often target older homeowners. They may go door-to-door to solicit business and then overcharge consumers, do a shoddy job, or take the consumer's money without ever completing the repair (and sometimes without even beginning).

Here are some tips on avoiding scams and finding reputable contractors:

- Be wary of door-to-door solicitations for home repairs, particularly if accompanied by high-pressure sales tactics or insistence that you pay for the job up-front in cash.
- If your home sustained damage, contact your insurance company first to make sure repairs are covered by your policy.
- Ask friends, neighbors and coworkers for referrals.
- Get written estimates from at least three different contractors.
- Ask contractor for references.
- Check with the Better Business Bureau (bbb.org) to see if any complaints have been filed against the company.
- General contractors, electricians, plumbers and heating and air conditioning contractors must be licensed through the Secretary of State. Go to www.sos.georgia.gov to verify that a contractor has a valid, up-to-date license. *Note that roofers, painters, drywall contractors and repair handymen are not required to be licensed by the state.*
- Ask to see the contractor's business license and then check with the county or city business license department to make sure it is valid.
- Always insist on a contract for work to be performed, with all guarantees, warranties and promises in writing. Agree on start and completion dates and have them written into the contract. Read the contract carefully before you sign.
- Ask to see proof of insurance (personal liability, workers' compensation and property damage).
- Do not make final payment until the work is finished and you are satisfied with the results.

FUNERALS AND CEMETERIES

With funeral and burial costs typically running between $7,000-$10,000, funeral arrangements are one of the most expensive purchases a consumer will ever make. While most funeral providers try to serve their clients' best interests, some try to take advantage of consumers by overcharging or talking consumers into buying unnecessary services. Because this is such an emotional time, consumers are much more vulnerable to these types of deceptive practices. That's why it is important to compare prices and know your rights under the law.

YOUR PROTECTIONS UNDER THE LAW

- The Funeral Rule, which is enforced by the Federal Trade Commission, requires funeral homes to give you an itemized General Price List at the beginning of your initial visit, *before* you begin viewing any products or services.
- Funeral homes must show consumers separate casket and outer burial container price lists if those prices are not included in the General Price List.
- Burial vaults and grave liners are not required by state law.
- Embalming is not legally required in Georgia. Refrigeration generally serves the same purpose. Direct cremation or burial does not require any form of preservation.
- For a direct cremation, a casket is not legally required. A funeral provider who offers cremations must make alternative containers available and inform you of this option.
- The funeral provider cannot refuse to handle a casket or urn you bought elsewhere, or charge you a fee for using it.
- It is against Georgia law for a solicitor of funeral or burial services to attempt to persuade a dying person to cancel his or her prepaid funeral arrangements in order to enter into a new, possibly more expensive, contract.
- All veterans, along with their spouses and dependent children, are entitled to a free burial in a national cemetery and a grave marker. Contact the Department of Veterans Affairs (VA) at 800-827-1000 or through their website (www.cem.va.gov) for more information. In addition, the State of Georgia, through the Georgia Department of Veterans Service, operates two state veterans cemeteries that are part of the VA's National Cemetery System. These State of Georgia veterans cemeteries are located in Glennville, Georgia (912-654-5398 or gvmcg@vs.state.ga.us) and in Milledgeville, Georgia (478-445-3363 or gvmcm@vs.state.ga.us).

Tips and Guidelines

- To help you steer clear of high product mark-ups, shop around and talk with friends and family.
- Check whether the funeral services director is licensed with the Secretary of State (sos.ga.gov) as Georgia law requires. (Please note that this does not imply an endorsement by the state.)
- Save money by avoiding expensive "sealed" or "protective" caskets.
- Ask about the cancellation and refund policy.
- Make certain the contract itemizes all prices and specifies any future costs. Compare the posted prices to those in the contract.
- Make sure the burial plot is fully identified in the contract and is in the desired location.
- Before signing, read the contract carefully and make sure it includes everything that was promised. Don't rely on verbal agreements alone.
- If you decide to plan ahead by prepaying for funeral arrangements, find out what happens to the money you pay and whether you will be entitled to a refund if you move away or change your mind. Determine whether you are protected if the company goes out of business.

RESOURCES

- For more information on funeral planning, contact the Funeral Consumers Alliance at funerals.org.
- To submit a complaint regarding an unfair or deceptive business practice by a funeral services provider, contact the Georgia Department of Law's Consumer Protection Division by going to consumer.ga.gov or calling 404-651-8600.

IDENTITY THEFT

WARNING SIGNS OF IDENTITY THEFT

There are a number of ways you might discover that someone is using your personal or financial information. You might see unfamiliar charges on your credit card or bank accounts, get calls about debts you do not owe, or find unfamiliar accounts on your credit report. You might even file your income taxes, only to receive a notice from the IRS indicating that taxes have already been filed using your Social Security number.

WHAT TO DO IF YOU'VE BEEN THE VICTIM OF IDENTITY THEFT

1. For financial-related fraud, **contact the financial institution** or retailer for the compromised account to report the fraud. Ask them to place a hold on your account and issue a replacement debit or credit card.
2. **Contact the credit reporting agencies** to place a fraud alert and a security freeze on your accounts:
   - Experian.com
     1-888-397-3742
   - TransUnion.com
     1-800-680-7289
   - Equifax.com
     1-888-766-0008
3. **Go to identitytheft.gov** to create an identity theft report and create a recovery plan.
4. **Check your credit reports.** Go to annualcreditreport.com or call 1-877-322-8228 to get your free annual credit reports. If you see any unfamiliar accounts or transactions on your reports, contact the credit reporting agency to dispute the charges and have any unauthorized accounts removed.

5. You may choose to **file a police report** with your local police department.
6. In the event of **tax identity theft**, go to the IRS' website at irs.gov and complete IRS Form 14039, Identity Theft Affidavit. Mail or fax the form according to the instructions. Include proof of your identity, like a copy of your Social Security card, driver's license or passport.
7. Check your homeowner's insurance policy to see if it protects you from losses due to identity theft.

REDUCING YOUR RISK OF IDENTITY THEFT

- Review your credit card and bank statements carefully and often. If you see a charge you do not recognize, contact the fraud department of the financial institution to dispute it.
- Consider placing a credit freeze (also known as a "security freeze") on your credit files. With a freeze in place, credit reporting agencies may not release your credit report or credit score unless you first remove the freeze by providing the password. Since lenders and creditors rely on access to a consumer's credit file to determine whether to extend someone credit, a credit freeze prevents an identity thief from opening a new credit account in your name. To place a freeze, you must contact each of the three credit reporting agencies: Experian, TransUnion and Equifax.
- Review each of your three credit reports at least once a year. Visit annualcreditreport.com to get your free reports. Georgia residents are entitled to *an additional* two credit reports from each of the three credit reporting agencies; for those additional copies, you must contact the credit reporting agencies directly.
- File your taxes early to reduce your risk of tax identity theft.
- Do not respond to phone calls, emails or text messages requesting your personal or financial information. If you think the message might be legitimate, look up the phone number on your bill, account statement or through an Internet search and call *that* number to confirm.
- Read the statements from your health insurance plan. Make sure the claims paid match the care you received.
- Do not keep your Social Security number in your wallet.
- Before discarding any bills, statements or other documents containing personal or financial information, make sure to shred them.

CYBERSECURITY AND PROTECTING YOUR DEVICES

- Install anti-virus and anti-spyware software and a pop-up blocker on your computer, and make sure the firewall is enabled. For lists of security tools from legitimate security vendors, visit staysafeonline.org.
- Update your operating system and software frequently.
- When shopping online, only use well-known, reputable sites. You can check a business' reputation by going to bbb.org.
- Make sure that the URL (website address) of any pages where you are asked to enter sensitive information, (e.g. credit card number, email address, account number, password), begins with "**https://**" as opposed to the regular "http://". The "**https://**" prefix indicates that the data entered will be encrypted so that your information will be secure.
- Never use public Wi-Fi to conduct financial transactions.
- Create strong passwords. The longer the password, the tougher it is to crack. Mix letters, numbers and special characters. Don't use your name, birthdate or pet's name in your password. Use a different password for each of your accounts so that if someone hacks into one account, he/she cannot take over all your accounts.
- If you receive an email from a sender you don't recognize, be very wary of opening any attachments or clicking on links, as these might download a virus or malware onto your device.
- Backup your mobile phone and your computer files regularly. That way, if your device is compromised, you'll still have access to your files.
- Lock your phone. Use at least a 6-digit passcode on your device, or use the pattern lock or fingerprint scanner. Set the device to lock when not in use.
- Protect yourself in the event that you lose your mobile device:
    - Install and turn on Find My iPhone (iOS) or Find My Device (Android). These apps could help you locate your device if you lose it. If your phone is stolen, these apps also let you remotely issue a command to erase your device – even if an identity thief turns it off.
    - Alert your wireless provider as soon as you know your device is missing. They can permanently or temporarily disable the SIM card to stop someone from using the device for calls or the internet.
    - Change passwords for your accounts. Many of us set our devices to remember passwords – which could mean that someone who gets your phone could get access to your accounts and personal information. So, if you lose your phone, create new passwords right away for your email, social media, online banking, shopping and other online accounts.

CREDIT AND DEBT

CREDIT REPORTS AND CREDIT SCORES

Your **credit report** is kept by the three major credit bureaus (also known as credit reporting agencies): Experian, TransUnion and Equifax. It shows your credit accounts (e.g. mortgages, loans, credit cards), your outstanding debts, your available credit, and how promptly and reliably you pay your bills.

Your **credit score** is a numeric representation of the information on your credit report. It is intended to show how likely you are to pay your bills on time. A credit score of 700 and higher (on a scale of 300 to 850) is generally considered good.

Lenders, banks, mortgage companies, auto financing companies and insurance companies may pull your credit report to help them decide whether to extend credit to you and on what terms. If your credit is good, you should be able to get a loan, mortgage or credit card – and at a reasonable interest rate. A low credit score means lenders will consider you a "high-risk" borrower, which can translate into higher interest rates, lower credit limits or being turned down for credit altogether.

MANAGING DEBT

If your debt has gotten out of hand, a reputable credit counseling agency can be very helpful. Credit counselors can advise you on managing your money and debts, help you develop a budget, and offer free educational materials and workshops. They can also renegotiate the terms of your credit agreements and arrange to pay off your debts. However, not all credit counselors and debt adjusters are legitimate. Some may charge excessive fees, misrepresent what they will be able to accomplish, or not pay your creditors in a timely manner, thereby actually worsening your debt problems and your credit score.

Watch out for companies that promise they can "repair" your credit for an up-front fee. With very few exceptions, **credit repair is prohibited by Georgia law**. No one can legally remove negative information from your credit report if the information is accurate. Furthermore, it is illegal for companies to charge you any up-front fees for credit repair services.

You should also be wary of companies that offer **debt settlement** services. Debt settlement is when a company negotiates with your creditors to reduce the amount of debt you owe. These companies often advise consumers to stop making payments to their creditors until a negotiated settlement has been reached, and to instead make payments to the debt settlement company. This scenario is not only **illegal** in the State of Georgia, it may end up worsening a consumer's money problems. Credit card companies are under no obligation to reduce the total amount of debt you owe; so, if you have stopped sending them monthly payments, and no negotiation is reached, your balance will be even higher than it originally was – thanks to interest and late fees – and your credit rating could take a further hit.

FINDING REPUTABLE HELP

- To locate a reputable credit counseling/debt adjustment service in your area, contact the **National Foundation for Credit Counseling**. You can contact them at 800-388-2227 or nfcc.org.
- Be sure you know your legal rights concerning debt adjustment companies. Under Georgia's Debt Adjustment Act:
  - A debt adjuster may not charge you *any* up-front fees. The only amount that they can legally charge is 7.5% of the amount you pay monthly for distribution to your creditors.
  - All funds received from a debtor, minus authorized fees, must be disbursed to creditors within 30 days.
  - A separate trust account must be maintained for your funds, along with certain insurance coverage, and audited annually.
  - Copies of these audits and insurance policies must be filed annually with the Georgia Department of Law's Consumer Protection Division.

You can **report violations** of Georgia's Debt Adjustment Act to the Consumer Protection Division by visiting consumer.ga.gov or calling 404-651-8600.

DEBT COLLECTORS

If you have past due debts, the business you owe the money to (the creditor) may turn the debt over to a debt collector to try to collect the money. Under the federal Fair Debt Collection Practices Act (FDCPA), a debt collector is defined as any person who regularly collects debts owed to others. This includes collection agencies and attorneys who collect debts. The FDCPA does *not* apply to a creditor collecting its own past-due accounts.

Although debt collectors have the right to contact you, they do not have the right to threaten, harass or deceive you.

DEBT COLLECTORS CANNOT:

- contact you at unreasonable places or times (such as before 8:00 AM or after 9:00 PM local time);
- use or threaten to use violence or criminal means to harm you, your reputation or your property;
- use obscene or profane language;
- call you repeatedly or continuously with the intent to annoy or harass;
- place telephone calls without meaningful disclosures of their identity;
- use a false company or creditor name;
- imply or falsely represent the communication is from anyone other than a debt collector;
- misrepresent the amount of the debt;
- threaten to disseminate false credit information about you;
- threaten legal action that is illegal or that they do not intend to take;
- represent falsely that you have committed a crime or that you will be arrested or imprisoned;
- use any words or symbols in their notices to make you think the notices are legal documents when they are not;
- collect an amount greater than what you owe; or
- garnish your wages or take your home or possessions without a court judgment. (An exception exists for federally guaranteed student loans that are in default.)

CAN A DEBT COLLECTOR CONTACT OTHERS ABOUT ME OR MY DEBT?

The debt collector may contact other people, but only for the purpose of finding out where you live or work; the collector cannot tell them or anyone else (including your employer) that you owe money. A debt collector is allowed to discuss the alleged debt with your spouse or any cosigner on the account or loan.

WHAT INFORMATION MUST A DEBT COLLECTOR PROVIDE ME?

Within five days after the first time a debt collector contacts you by phone or in writing, the debt collector must send a written notice telling you:

- the amount of money you owe;
- the name of the original creditor with whom you incurred the debt;
- that unless you dispute the validity of the debt, or any part of the debt, within 30 days of the date you receive the notice, the debt will be assumed to be valid

HOW CAN I STOP A DEBT COLLECTOR FROM CONTACTING ME?

Contact the debt collector *in writing* to request that they stop calling you. Make sure to include a statement that your letter is not meant in any way to acknowledge that you owe this or any other sum of money. Send your letter via certified mail, return receipt requested. Remember, though, stopping the contact does not stop the debt collection activities. The debt collector can still send negative information to the credit reporting agencies, sue you in court, and garnish your wages or file a lien against your property if a judgment is issued by the court.

WHAT IF I WANT TO DISPUTE THE DEBT?

To dispute the debt, send the collector a written statement that you dispute the entire debt or a portion of it. Provide enough information for the debt collector to research each issue being disputed. If appropriate, include copies of receipts, cancelled checks and any other information to back up your claim. Make sure to include a statement that your letter is not meant in any way to acknowledge that you owe this or any other sum of money.

You must send your letter within 30 days from your receipt of written notice from the debt collector. Send the letter via certified mail, return receipt requested, and keep a copy of your correspondence. Once the agency receives your dispute letter, they must stop further attempts to collect the debt until and unless they send you written verification showing that you do owe the bill and that the amount of the bill is correct.

HOW CAN I FILE A COMPLAINT AGAINST A DEBT COLLECTOR?

You may file a complaint with the Georgia Department of Law's Consumer Protection Division by visiting consumer.ga.gov or calling 404-651-8600. You may also file a complaint with the Federal Trade Commission (FTC) by going to ftc.gov or calling 877-FTC-HELP.

REVERSE MORTGAGES

A reverse mortgage is a type of home equity loan that allows homeowners aged 62 and older to convert some of the equity in their home into cash. Borrowers get to remain in their homes without making payments until the last surviving borrower dies, no longer lives in the home as a primary residence, or sells the house. At that time, the lender will sell the home to pay off the reverse mortgage.

A reverse mortgage can provide you with much-needed cash, but it can also use up the equity in your home so that there are fewer assets for you and your heirs. You should also be aware of the following when considering a reverse mortgage:

- **Home Maintenance and Other Requirements** - Even though you don't have to make monthly mortgage payments, you are still responsible for property taxes, insurance, utilities, home repairs and maintenance. If you fail to keep up with these costs, the lender might require you to repay the loan.
- **Costs, Fees and Interest** - A reverse mortgage comes with closing costs, just like a regular mortgage, as well as servicing fees over the life of the mortgage. In addition, interest will be added onto the balance of the loan each month, so the amount you owe keeps increasing over time. However, with most reverse mortgages, you cannot owe more than the value of the home when the loan becomes due.
- **Mandatory Counseling** - Before applying for a reverse mortgage, potential borrowers are required to meet with a counselor from an independent government-approved housing counseling agency, who must explain the loan's costs and financial implications, and discuss possible alternatives. For a list of approved counselors, contact the **Department of Housing and Urban Development (HUD)** by calling **1-800-569-4287** or by visiting hud.gov. It is also advisable to meet with a lawyer or trusted financial advisor (who does *not* sell reverse mortgages) before entering into a reverse mortgage.
- **Protecting your spouse** - It is a good idea to make your spouse a co-borrower when you apply for a reverse mortgage. This way, your spouse can continue to live in the home and receive money from the reverse mortgage even if you die or move to a nursing home. If your spouse is *not* listed as a co-borrower, he or she might still be permitted to remain in the home after you leave, but only if certain requirements are met. However, your spouse would not be eligible to receive any money from the reverse mortgage.
- **Comparison shop** - Review the different types of reverse mortgages available and compare the terms and fees offered by several different lenders.

Steer clear of scammers. If someone is pressuring you to buy a reverse mortgage or suggesting you get one so that he/she can sell you home improvement services or financial products, walk away.

ELDER ABUSE

Elder abuse is one of the most undetected and underreported problems in the U.S. Tragically, the vast majority of these offenses are committed by a family member. Many instances of abuse also occur in unlicensed personal care homes.

What is Elder Abuse?

- **Abuse:** Hitting, beating, slapping, pushing, pinching; improperly using restraints; improperly using medications; withholding food, water or medications; inflicting mental pain, anguish or distress through verbal or non-verbal acts; non-consensual sexual contact of any kind; threatening someone with violence, nursing home placement, abandonment or neglect.
- **Neglect:** Failure to provide basic care or needed services; failure to provide shelter, clothing, food, or medical care; leaving the person alone for long periods of time.
- **Exploitation:** Taking away property or money by undue influence, force, threat, or deceit; misuse of financial resources for another's gain; taking a Social Security check without consent; forging a signature; offering a "prize" that the victim has won, but must pay money to claim; eliciting support for phony charities; having a power of attorney document or other documents signed without the victim knowing what he or she is signing.

POWER OF ATTORNEY ACT

On July 1, 2017, the State of Georgia enacted the Uniform Power of Attorney (POA) Act. This new law protects citizens from those who misuse their fiscal responsibility. Someone with your POA must use your money in ways that benefit you and not their own interests.

What You Should Know

- In a **general power of attorney**, your power of attorney agent will have broad legal authority over your affairs. In a **special power of attorney**, your agent will make decisions limited to only a few situations.
- To **create power of attorney**, you'll need to compose and sign a document granting this authority and ask two adult witnesses to sign as well. Although it's not required in all cases, it's often a good idea to seek out a notary public as a witness.
- To **cancel power of attorney**, you can shred the original document, orally revoke the power of attorney and have a witness attest to the revocation, or sign a document that ends your agent's legal authority. Regardless of your physical or mental state, you may end power of attorney at any time.
- If you are confused about the rights and limits of a power of attorney document you've been asked to sign, consult a lawyer. Do not sign a document that you don't understand completely, and don't agree to grant legal authority or accept legal responsibility unless you are comfortable with it.

Reporting Elder Abuse

Elder abuse is a **crime**.

If you suspect that an elderly person has been abused, neglected or exploited, you should **report it to your local law enforcement**, as well as one of the following agencies, depending on where the abuse occurred:

- For abuse occurring in a private residence, contact:
  Adult Protective Services
  1-866-55AGING (1-866-552-4464), press "3" at the prompt.
  Report online at aging.ga.gov, then click the "Report Elder Abuse" tab.

- For abuse occurring in a facility, such as a nursing home, personal care home or assisted living facility, contact:
  Healthcare Facility Regulation
  1-800-878-6442

ADVANCE DIRECTIVES

Advance directives are documents that allow you to spell out what kind of medical care and treatment you wish to receive in the event you lose the ability to communicate or make decisions yourself. Conveying your wishes *before* you are too ill to do so can alleviate the burden on your loved ones and ensure that your wishes are carried out.

A living will and a durable power of attorney for health care are two types of advanced directives. If you validly executed these directives prior to June 30, 2007 they are still valid. However, they have since been replaced by the **Georgia Advance Directive for Health Care**, which includes:

- **Health Care Agent -** Allows you to designate a person who will make health care decisions for you if you cannot (or do not want to) make those decisions for yourself.
- **Treatment Preferences -** Allows you to specify what life-sustaining treatment you want provided, withheld or withdrawn under certain circumstances.
- **Guardianship -** Allows you to choose the person you wish to have legal responsibility over your personal affairs should a court determine you are not able to make responsible decisions regarding your personal welfare.

Note that you can choose to fill out any or all of the above parts of the form. To make the advanced directive legally binding, it must be signed and witnessed. Be sure to let your loved ones and your physician know that you have completed an Advance Directive and provide them with a copy.

To access the **Georgia Advance Directive for Health Care form**, visit:

- Georgia Division of Aging Services – Go to aging.georgia.gov, click on "About" and choose "Publications & Newsletters".
- Georgia Legal Aid – georgialegalaid.org

If you have any questions, you may wish to speak with a health care provider or an attorney with experience in drafting advance directives.

DRIVING CAPACITY: WHEN IS IT TIME TO HANG UP THE KEYS?

Changes in vision, fitness, cognition, as well as the use of certain medications may affect a person's ability to drive safely. Sometimes, certain adjustments may be enough to improve the person's driving, such as only driving during daylight hours and in good weather; avoiding interstate driving and/or heavily-trafficked areas; or using a seat cushion to improve the driver's visibility. In other cases, the person's capacity to drive safely may be diminished to the point that it is time to hang up the car keys in order to avoid causing harm to the driver and others.

Below are some signs of diminished driving capacity:

- Having serious or minor accidents or near misses
- Having wandering thoughts or being unable to concentrate
- Being unable to read ordinary road signs or signals
- Getting lost on familiar roads
- Driving too fast or too slow
- Decreased reaction time
- Having other drivers honk at you frequently
- Being spoken to about your driving by police, family, and friends

Giving up one's license is never an easy thing to do since driving helps us maintain independence and avoid isolation. The AARP offers a free online seminar (aarp.org/auto/driver-safety/we-need-to-talk) to help you assess your loved one's driving skills and provide tools to help you have this important conversation.

To surrender a driver's license and get an identification card, visit your nearest Department of Driver Services Customer Service Center.

What if my loved one refuses to surrender his or her driver's license?

If your loved one does not agree that it is unsafe for him or her to continue to drive, you can request that the Department of Driver Services (DDS) review the situation. You will need to send them a written letter or complete and send the Request for Medical Review (DDS 270), which can be found on the DDS website at dds.georgia.gov/documents/request-driver-review. The DDS will require the driver to complete and submit medical and vision forms signed by a licensed physician to help ascertain whether he or she is fit to drive. To learn more about this process, go to dds.georgia.gov/medical-review-process.

What if I want my driving privileges restored?

If you have surrendered your driver's license and are subsequently cleared to drive, you can contact the Department of Driver Services at 678-413-8400 to have your driving privileges restored. Depending on the circumstances, you may be required to retake your driving exam.

LONG-TERM CARE

There may come a time when you or a loved one needs additional care due to changes in health, mobility or cognitive decline. How do you know what kind of care is best and whether the caregiver or facility is reputable?

There are different types of care – some available in your own home and some provided in a personal care home, assisted living community, nursing home or other facility:

- **In-Home Care** - Services can include companion supervision, light housekeeping, meal preparation, running errands, transportation to appointments, assistance with "Activities of Daily Living" (i.e. dressing, bathing, eating, using the restroom, getting in or out of a bed, chair or wheelchair), skilled nursing and physical and occupational therapy.
- **Independent Living Communities** are for healthy seniors who *do not* need assistance with Activities of Daily Living. Residents live independently in their own apartments. These communities typically offer group meals, transportation, housekeeping/laundry service, and social and cultural activities. Independent Living Communities may be a good option for someone who is healthy but does not want the burden of maintaining a home, cooking all their meals and doing housework. Residents may choose to keep their cars or rely solely on the transportation provided by the community.

It is a crime to operate an unlicensed personal care home.

- **Assisted Living Communities and Personal Care Homes** are good options for people who are no longer able to live on their own but don't require the level of nursing care provided in a nursing home. These communities offer care in a residential setting and provide assistance with Activities of Daily Living, medication monitoring, meals and housekeeping. Staff is available 24 hours a day, with certain communities offering licensed nursing services. These communities typically offer activities for the residents, with some also providing transportation to doctor's appointments and group shopping outings. *NOTE: Legitimate Personal Care Homes are a great option for you to consider. However, there are entities that take advantage of consumers by operating unlicensed Personal Care Homes. Always verify that the community you choose is licensed.*
- **Nursing Homes** - Around-the-clock skilled nursing care for people who require a high level of nursing care and assistance. Nursing homes also provide short-term rehabilitative stays for those recovering from an injury, illness or surgery.

How do I know which option is best for my situation?

There are a number of resources that can help you decide what type of care best suits your needs, including:

- Your local Area Agency on Aging
  aging.georgia.gov/locations
  georgiaadrc.com
  866-552-4464
- LongTermCare.gov

Finding a reputable caregiver or facility

Contact the resources below to help you choose a reputable caregiver, nursing home, assisted living community or personal care home:

- www.gamap2care.info is a mapping tool developed by the Department of Community Health, Division of Healthcare Facility Regulation to help you locate licensed health care facilities, nursing homes, personal care homes, assisted living communities, home health services and community living arrangements throughout Georgia. You may also use this tool to view inspection reports on a facility, if available.
- The "Home Health Compare" section of Medicare.gov offers a checklist for choosing **in-home care** and lets you compare the patient care ratings of providers.
- The "Nursing Home Compare" section of the Medicare.gov website offers detailed information and ratings on every Medicare and Medicaid-certified nursing home in the country. It also offers a comprehensive guide to choosing a nursing home.

Is the facility licensed? The Division of Healthcare Facility Regulation inspects, monitors and licenses assisted living facilities, nursing homes, hospitals and personal care homes to ensure that they adequately provide for the health, safety and well-being of the residents. To verify that a care home or facility is licensed, contact the Division of Healthcare Facility Regulation by visiting www.dch.ga.gov or by calling 404-657-5700.

Additional Tips for Choosing a Long-Term Care Facility

- Do research and request information from several facilities beforehand so that you can narrow it down to two or three places for in-person visits.
- Compare services, accommodations, prices, payment types accepted (e.g. private pay only vs. Medicaid), activities offered and the ratio of caregivers to residents.
- When you visit a facility, be sure to notice if it is clean and odor-free, whether the residents appear to be well-cared for, and if there appear to be adequate staff for the number of residents.

Paying for Long-Term Care

The cost of long-term care can be daunting. In Georgia, the median cost for assisted living is approximately $2,800 per month, with nursing home care costing upwards of $6,200/month for a semi-private room. *(Source: Genworth 2017 Cost of Care Survey, conducted by CareScout®, June 2017).*

Here are some options to consider when deciding how to pay for long-term care:

- **Medicare** - Medicare pays for skilled services or rehabilitative care, but only under certain circumstances and for a limited period of time. Medicare will *not* pay for non-skilled assistance with Activities of Daily Living, which make up the majority of required long-term care services.
- **Medicaid** - If you qualify for Medicaid based on your income and resources, and meet the Georgia Medicaid long-term care eligibility requirements, you can use it to pay for many long-term care services.
- **Veterans Administration** - If the person needing care is a veteran, he or she may be eligible for long-term care benefits from the V.A. Visit va.gov/geriatrics or veterans.georgia.gov for further information.
- **Long-Term Care Insurance** - Long-term care insurance is designed to cover long-term care services in a variety of settings. Most policies require medical underwriting, so if your health is poor or you are already receiving long-term care services, you may not qualify for long-term care insurance. For more information, visit longtermcare.gov.
- **Life Insurance** - If you have a life insurance policy that contains an accelerated death benefit clause, you may be able to use it tax-free if you require extended long-term care.
- **Additional private payment options** - In addition to the above options, some people pay for long-term care by using cash savings or other assets, selling their house, or getting a reverse mortgage.

AARP Georgia
https://states.aarp.org/region/georgia

Adult Day Care Directory
adultdaycare.org/directory/ga

Adult Protective Services

Report abuse occurring in a private residence:
866-55AGING (866-552-4464) - Press "3"

Report abuse occurring in a facility:
800-878-6442

Alzheimer's Association - Georgia Chapter
alz.org/georgia

Annual Credit Report
877-322-8228
annualcreditreport.com

Assisted Living Facilities (Georgia)
assistedlivingfacilities.org/directory/ga

Better Business Bureau
bbb.org

Metro Atlanta, Athens & NE Georgia
404-766-0875

Fall Line Corridor
478-742-7999

Southeast Tennessee & Northwest Georgia
423-266-6144

Northeast Florida and The Southeast Atlantic
904-721-2288

Center for Positive Aging
404-872-9191
www.centerforpositiveaging.org

Do Not Call Registry
donotcall.gov

Eldercare Locator
800-677-1116
eldercare.gov

Elderly Legal Assistance Program
404-657-5319

Federal Trade Commission
202-326-2222
www.ftc.gov

Funeral Consumers Alliance
802-865-8300
funerals.org

Georgia Area Agencies on Aging
866-552-4464
aging.georgia.gov

Georgia Department of Behavioral Health and Developmental Disabilities
404-657-5964
dbhdd.georgia.gov

Georgia Department of Human Services
Division of Aging Services
404-657-5258
aging.georgia.gov

Georgia Department of Law
Consumer Protection Division
404-651-8600
consumer.ga.gov

Georgia Legal Aid
georgialegalaid.org

Georgia Long Term Care Ombudsman
georgiaombudsman.org

Georgia Secretary of State
844-753-7825
sos.ga.gov

Georgia's Aging & Disability Resource Connection
866-552-4464
georgiaadrc.com

GeorgiaCares (free health insurance counseling for Medicare and Medicaid beneficiaries)
866-552-4464

Healthcare Facility Regulation, a division of the Department of Community Health
dch.georgia.gov
Find a facility: gamap2care.info
800-878-6442

Home Health Care Directory (Georgia)
homehealthcareagencies.com/directory/ga

Home Health Compare Tool
medicare.gov/homehealthcompare

IdentityTheft.gov
identitytheft.gov

LongTermCare.gov
longtermcare.gov

Internal Revenue Service (IRS)
irs.gov

Medicaid
medicaid.gov

Medicaid Fraud Control Unit, a division of the Georgia Department of Law
404-656-5400
law.ga.gov/medicaid-fraud-control-unit

Medicare
1-800-MEDICARE (1-800-633-4227)
medicare.gov

Mental Health Resources for Older Adults
aging.dhs.georgia.gov/mental-health-resources

Nursing Home Compare Tool
medicare.gov/nursinghomecompare/

Senior Community Service Employment Program
866-552-4464

Senior Legal Hotline
404-657-9915

Skilled Nursing Facilities (Georgia)
skillednursingfacilities.org/directory/ga

Social Security Administration
800-772-1213
socialsecurity.gov

StaySafeOnline
staysafeonline.org

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