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## Abuses of Powers of Attorney

Unfortunately, many who have been entrusted with authority over a person's financial affairs by virtue of a durable power of attorney succumb to the temptation to take funds for themselves. Fortunately, there are legal avenues to determine if suspicions are well-founded and, if so, to remedy the circumstances.

Virginia law provides that anyone interested in the welfare of a person (the "principal") who has given a power of attorney to another (the "agent") and who is now unable to attend to his affairs may send a written demand to the agent requiring disclosure of all information and records pertaining to actions taken by the agent within the past two years.

This procedure enables members of the principal's family, including a spouse of a child of the principal, to inquire into the financial dealings by the agent in case of suspected improprieties without having to resort to a petition for full conservatorship. If the agent unreasonably refuses to provide the disclosures, then the court can require the agent to reimburse the family member for expenses, including attorney's fees, to bring the enforcement action.

At a time when the "age wave" finds more and more citizens vulnerable to financial exploitation, this statute provides a streamlined, common sense approach to protecting against the unfettered abuse of powers of attorney.

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