

Appendix 5: Law Report, ABC Radio National

Financial abuse and dementia, 23rd June 2015

<http://www.abc.net.au/radionational/programs/lawreport/wills-and-dementia/6552054#transcript>

Comment:

I agree that financial elder abuse is underpinned by children's sense of entitlement to their parents' assets. It is also underpinned by greed.

The statistics suggest that this form of family violence may be gendered with older women more likely than older men to be the victims. These statistics also suggest that perpetrators of financial elder abuse are more likely to be sons than daughters.

I was surprised how easy it was to have my mother declared legally incapable. A few days after my father's death, Mum's GP declared my then 88-year-old mother legally incapable. The GP did not refer Mum to a specialist for a neurological or mental health assessment. He completed the required paperwork himself.

My mother and father were married for 64 years – so it is not surprising that she was depressed after his death. Although Mum was depressed after the death of her husband, she was still capable of making legal, medical, financial and personal decisions.

Perhaps there should be a period of time after a spouse's death before a widow or widower can be declared legally incapable. I also think psychogeriatricians and neuropsychologists are better qualified than GPs to competently assess a patient's legal capacity.

Once my brother was appointed the financial power of attorney, he took complete control of Mum's financial affairs. There are currently no formal mechanisms to ensure that he act in my Mum's best interest.

I was shocked when he suggested that my four older brothers and I take an early inheritance. I objected strongly to this suggestion. Clearly an early inheritance was in our best interest rather than Mum's best interest.

My eldest brother who was planning his retirement then began to organise frequent meetings to discuss Mum's financial affairs. He also asked for regular updates of Mum's expenses. I questioned the need for these meetings and updates, reminding him that he never asked for this information when Dad was alive.

Then came the zinger. My three older brothers and their wives met to discuss the "family estate". They were concerned that Mum's expenses were too much. My

sister-in-law emailed me to say: "Your brothers are worried about their inheritance. What's wrong with that?" They also complained about Mum visiting her beach house.

Fortunately one older brother and I support Mum's right to spend her money as she wishes and to visit her beach house whenever she likes. However, not every family has children who advocate for their mother. Legal mechanisms need to be implemented to ensure older people are not victims of financial elder abuse.

The financial abuse of my mother has unfortunately divided my family. It is sad when the love of money trumps the love of family relationships.