

## Together let's help stop financial elder abuse.



**Each year the Public Trustee works with government agencies and organisations to help raise awareness of elder abuse, in particular financial elder abuse. Sadly, financial elder abuse is a complex issue that is easily hidden and often difficult to identify.**

At the Public Trustee, we advocate on behalf of those who have fallen victim to the misappropriation of funds and we manage the finances of thousands of vulnerable Queenslanders with reduced decision-making capacity.

### **What is financial elder abuse?**

Financial elder abuse is the misuse or theft of an older person's money or assets including:

- Forcing an elderly person (even your mum or dad) to sign over their property or assets
- Misusing or taking an elderly person's money or credit cards
- Using undue influence or deception to change the terms of an elderly person's Will or enduring power of attorney (EPA)
- Forging an elderly person's signature.



## Who is at risk?

Data from Queensland's Elder Abuse Prevention Unit suggests many older people experience elder abuse at the hands of someone close to them, such as a family member, a carer or a friend. Unfortunately, in times of low income or unemployment, some family members can become dependent on an older person for financial support under the guise of caring for and protecting them.

Older people most at risk of financial elder abuse are those experiencing social or physical isolation, and those who are largely dependent on others, such as people with deteriorating health or reduced capacity for decision-making.

It can happen to those who have a lot of money, and those who don't have much money or live on a pension. It can happen to older people who live in care facilities, as well as those who live at home.

## Key tips to help prevent financial elder abuse

The Public Trustee recommends the following actions be taken to safeguard you or a loved one against elder abuse:

- Having a Will, an enduring power of attorney and an advanced health directive in place before you become incapacitated is still the safest option.
- Make sure you get independent legal advice about your Will and EPA.
- Consider putting detailed directions in your EPA such as the types of decisions you would like made if you lose capacity. This may include your preferred living arrangements.
- Consider choosing two people you can trust to act in your best interests. In your EPA, specifically direct them to consult each other and keep each other informed when carrying out duties.
- Ensure any loans are legally binding.

## What to consider when choosing an attorney

The Public Trustee recommends asking yourself the following questions when choosing an attorney:

- Is your attorney able to give the time to take on the responsibility?
- Can they obey directions and act according to any limits or conditions placed on their authority?
- Do they have the business and financial skills required to undertake the task?
- Are their interests likely to conflict with your interests?
- Can they make potentially difficult decisions free from pressure, for example from other siblings, or free from emotion for example when selling the family home and sorting contents?
- Are they susceptible to the inappropriate influence of others, such as a spouse or other family members?
- Can they be trusted to act in a way that promotes and safeguards your rights, interests and opportunities?
- Do they understand and accept they are liable for the decisions they make?
- Are they accessible and accountable?

**Your attorney must also recognise your right to privacy and respect your views and wishes, taking into account your values and your existing relationships.**

**If you have any concerns about your attorney or the person you propose to appoint, then you should consider appointing a professional, independent attorney.**

### What to do if you or someone you know is experiencing elder abuse?

If you suspect that an older person you know is being abused, or if you are experiencing elder abuse yourself, call the Elder Abuse Helpline. Anyone can make the call and you can remain anonymous if you prefer.

The Elder Abuse Helpline provides confidential information, support and referrals to appropriate services including legal, community support and advocacy services.

**Phone the Elder Abuse Helpline on 1300 651 192**

For more information about elder abuse and support services, visit [www.qld.gov.au/knowthesigns](http://www.qld.gov.au/knowthesigns)