

Elder Abuse: Planning Ahead

Several legal tools can be set up by the older adult **before** his/her incapacity that take effect immediately:

- > joint property (bank accounts and real property)
- > supported decision-making
- > co-decision-making
- > informal trusteeships
- > Wills

Joint Property (Bank Accounts and Real Property)

Use with caution. Remember that joint bank accounts and joint title on real estate mean all signing parties own the money or property equally. If one party dies, the survivor continues to fully own the account or property.

Supported Decision-Making

A supported decision-making arrangement could be very helpful for:

- > capable individuals who face complex **personal** decision-making
- > people who have difficulty communicating in English
- > people with mild disabilities such as hearing loss or mobility issues
- > people who have other communication difficulties
- > people who—due to a temporary condition—may only need a bit of help for a little while.

To complete such an arrangement, the older adult and the person who will be his/her supporter must:

- > agree on the need for the arrangement and
- > sign a Supported Decision-Making Authorization form that outlines the purpose and the kinds of decisions the older adult wishes to include.

Co-Decision-Making

A Co-Decision-Making Order is helpful for adults who:

- > have difficulty making **personal** decisions on their own but could make such decisions with the guidance and support of another person
- > have a close relationship with someone willing to provide decision-making support
- > do not have a guardian or a Personal Directive.

FOR MORE INFORMATION

For more information on supported decision-making and co-decision-making in Alberta:

- > contact the Alberta Office of the Public Guardian
 - > read CPLEA's booklet about the *Alberta Adult Guardianship and Trusteeship Act*.
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Informal Trusteeships

An informal trusteeship is helpful for adults who:

- > may have diminished capacity, but could make **financial** decisions with the guidance and support of another person
- > have a close relationship with someone willing to provide **financial** decision-making support

Informal trusteeships are available at various service agencies:

- > Separate paperwork for a trusteeship needs to be completed at each agency or government department that allows for such an arrangement.
- > Federal government programs that allow for informal trusteeships are Canada Pension Plan (CPP), Old Age Security (OAS), and Veterans' Affairs.
- > In Alberta, informal trusteeships can be arranged through Assured Income for the Severely Handicapped (AISH), Alberta Seniors' Benefit, and the ministry responsible for employment and immigration.
- > Some care facilities may also allow informal trusteeships.

How to Prevent Misuse and Abuse

- > Carefully consider the options.
- > Choose assistance cautiously.
- > If a joint situation is a must, can you place limits?
- > Are these the best options for you at this time?
- > Can the bank or lawyer suggest other convenient options?
- > Research which agencies and government departments offer informal trusteeships and look into their procedures.
- > Consider including all reporting requirements.
- > If you think someone is being abused, trust your instincts and seek help.

Wills

Understanding the law around Wills can help older adults take steps to prevent abuse from happening. For more information, see CPLEA's publications on **Wills**.

How to Prevent Misuse and Abuse

- > Write a Will while you still have mental capacity.
- > Consult a lawyer.
- > Choose executors wisely.
 - Is the person willing to take on the job of executor?
 - Is the person trustworthy, responsible, and good at handling financial matters?
- > Keep the Will in a safe place or with a trustworthy person.
- > Be sure that the executor knows where the Will is.
- > Be wary of any suggestions that you change your Will.