

Protecting You from Your Family

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According to the National Coalition Against Domestic Abuse:

An estimated 2.1 million older Americans are victims of physical, psychological and other forms of abuse and neglect.

In approximately 90% of cases, perpetrators of abuse in later life are family members.

It is never too early to begin to prepare for your future and there are some things we need to look at that we don't always want to face. As part of your future planning you will need to decide who you want for your Power of Attorney, your Medical Agent and the Executor of your Estate in the event you are not able to make those decisions for yourself. These issues were discussed in a previous E-tip and can be referenced on our web site.



This month we are going to discuss some of the problems connected with those decisions. Perhaps you are not married or you are married with no children and the choice you make is very important. As you save and plan for your later years you hope you will be financially secure and able to live comfortably until the end of your life. You also want someone who will understand and honor your wishes.

Maybe you have heard of stories about family members who have taken advantage of their elderly relatives, perhaps even becoming their Power of Attorney and became creative in the management of their family member's money. Somehow it seems to have ended up in their or their children's name and the money is no longer available to the person who worked and saved for their elderly years.

This month we will present a few scenarios with suggestions or options available that will hopefully prevent this from happening to you or someone you know.

An elderly gentleman (we will call him John), never married and lived alone. As he became older and more in need of assistance he turned to his brother, whom he trusted to do what he wanted. His brother had two children who did not see their uncle very much throughout his life.

As John became more confused and had a few episodes of falling, etc it became apparent he could not live alone. One of his brother's daughters agreed to bring John to her house where he could be cared for because her husband did not work as a result of a disability. Soon after the move a niece who lived a distance away from him but had always been in contact with him went to visit him. She was shocked by his appearance and his confusion. She invited her uncle to stay with her and her family through the holidays. While John was with her he began to improve drastically. She also helped her uncle look over his finances and they realized he had substantially less money than he thought he should have. They contacted an Elder Law Attorney and presented the facts as they knew them to the attorney. John did not return to the home where he was living and his brother is

no longer his Power of Attorney. He is now living in an assisted living facility with limited funds to pay for his care to the end of his life.

Suggestion #1 - As you age and are setting up your financial future consult with an attorney that specializes in Elder Law. If you don't know where to find an attorney that specializes in this area call us at Solutions EAP, 800-526-3485.

According to National Coalition Against Domestic Violence:

1 out of every 14 cases of elder abuse is reported to authorities.



Mary and Sam were married for 56 years and never had children. They were always good to the many nieces and nephews they had. Sam died and Mary was now alone. As she got older she relied on her family members for the care that she needed. She was also very good with her finances and although she did not have a great deal of money she handled it well and felt she would have enough to support her to the end of her life.

She occasionally added cash deposits to her safety deposit box and soon had a large amount of cash in her safety deposit box. She asked one of her nephews (who lived 3 hours away) to be Power of Attorney and Executer of her estate. A niece (we will call Ann) that lived close to her did many things for her and was very good to her. When it came time for Mary to stop driving she gave her three year old car to this niece and occasionally gave her small gifts or took her out to lunch. She also added this niece's name to her checking account and her safety deposit box as her ability to get around became more and more difficult.

Mary eventually moved into assisted living and her nephew who was the power of Attorney became much more involved in her financial and medical decisions. Ann and her cousin went to the safety deposit box on the day they agreed to place Mary in the assisted living facility to briefly look over the contents.

A few days later his cousin Ann called him to inform him that Mary had told her that the money in the safety deposit box was for the two of them to split between them and no one else listed in the will. She also informed him that she had moved the cash out of the Mary's box into her own safety deposit box "for safe keeping". He informed her that he was obligated to honor Mary's wishes and would not entertain any suggestion that they split the cash between the two of them. He demanded she return the money to Mary's safety deposit box and Ann refused. He talked to an Elder Law Attorney who informed him that his cousin had committed a felony and if she did not return the money he would be obligated to report the removal of the money to the police or an Elder Abuse Hotline and place the matter in their hands. He was reluctant to do this because it was a family matter and this cousin was good to his aunt.

Fact: Elder financial abuse occurs -

- *When a family member improperly uses or mismanages assets that do not belong to them.*
- *When the elderly person is coerced or deceived into signing documents such as wills and contracts.*
- *When a family member takes advantage of debilitating conditions such as Alzheimer's or dementia.*



Alice has been a widow for many years and has four living children. Her daughter has her power of Attorney and is the executor of her estate. Alice is very sharp mentally and although she has her daughter pay her bills she is very aware of where the money is going. After Alice died the four children started fighting and her daughter refused to inform the other siblings about her mother's finances and although they were all named as beneficiaries equally

in their mother's will she claimed she did not have to do this. One son told her he wanted an accounting of how his mother's money had been spent while his sister was Power of Attorney and she refused to provide this information to him. This son went to the Probate Judge and requested the information and his sister was ordered by the judge to provide him the information he requested and by law was supposed to have access to. She was given thirty days to comply or be held in contempt of court.

Facts:

- *Being the Executor of an Estate can be a thankless grueling experience and should be researched before anyone agrees to take on the task.*
- *Information about responsibilities as Executor of an estate can be obtained from the Probate Court.*

Facts According to the National Center on Elder Abuse:

- *"In the most recent year studied, Adult Protective Services completed 364,512 investigations of abuse, neglect, or exploitation involving older persons living at home. Of these, an estimated 43% were confirmed.*
- *Services across the nation have increased by more than 150 percent."*
- *If you think an elderly person you know is the victim of financial abuse or fraud contact the Attorney General office in your state or Adult Protective Services.*

Following are some resource for you to look at or contact if you think someone you know is being financially abused. You may also want to contact them to inform yourself as you plan for your future care:

American Association of Retired Persons (AARP) www.aarp.org

American Psychological Association (APA) www.apa.org

Administration on Aging (AOA) www.aoa.gov

National Center on Elder Abuse (NCEA) www.ncea.aoa.gov

National Clearing House on Abuse in Later Life www.ncall.us

National Committee for the Prevention of Elder Abuse www.preventelderabuse.org

National Coalition Against Domestic Violence www.ncadv.org

Call Solutions EAP at 1-800-526-3485 for assistance for all of life's challenges.

It's free, confidential and open to your family members.

Check us out on-line at www.solutions-eap.com