

Protecting You from Your Family – Part II

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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.*

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