

Financial abuse

Elder abuse prevention

Factsheet

Protecting and safeguarding your rights

If you feel under pressure from people close to you, such as relatives or friends, to make decisions, sign documents, hand over assets or sell the family home, you may be at risk of elder abuse.

What is elder abuse?

The term 'elder abuse' refers to acts of harm and abuse by someone close to you, such as a son, daughter, grandchild or carer. Elder abuse can affect any older person irrespective of gender, means and background. It can take many forms, such as financial, psychological, emotional, physical, sexual, social and/or neglect, but it does not involve abuse carried out by strangers. Some forms of elder abuse are more serious and have greater impact than others. However, all forms of abuse are unacceptable.

Financial abuse is one of the more common types of elder abuse and involves the illegal or improper use of an older person's finances, assets or property. Here is an example of financial abuse (see right).

The information in this fact sheet is for general information only. You should not rely on it as it is not legal advice that applies to your particular circumstances. If you have any questions or need advice, contact the agencies listed in this fact sheet.

Bob's home

John persuaded his 70 year old father Bob to sell his house, give the proceeds to him and in return he could live with him and his family permanently. Bob is very active and has a number of good friends living in the area. He enjoys his independence but as he was living alone the arrangement seemed like a good idea and he sold his house to move in with John.

After a while, the grandchildren started to complain about their grandpa. They didn't want his friends visiting as "they were old and embarrassing". Bob knew they resented him being there. He couldn't watch TV or invite his friends around and he felt isolated. The situation became impossible and Bob thought that he should ask John for the money from the house sale so that he could buy a small unit nearby. However, John told Bob that he didn't have any money left as he had used it to pay off credit card debts and had lost some of it gambling.



What can you do about it?

Bob's experience highlights the importance of seeking information before making decisions that could affect your future well being. Here are some suggestions:

- Before making major decisions about your assets and housing choices, seek independent financial and legal advice from relevant services. This is important even though the decision involves family members.
- Keep your Will in order. Make sure you have a professionally drafted legal Will and continue to update it to reflect major life changes.
- On the whole it's best not to lend money to family and friends as relationships can change. If you must lend money, only do so if you can afford to and make the loan legally binding.
- Seek professional legal advice before selling your family home and coming to an arrangement with your family regarding living with them or building a unit on their property. It may be useful to have a family agreement.
- Keep your bank accounts in order and carefully monitor your finances if someone else with authority has access to your money. Contact your bank if in doubt.
- Carefully consider requests for being guarantor. Taking on the role of guarantor is a big responsibility and it means you are prepared to pay the debt if the borrower cannot.
- Don't sign a contract without first reading it carefully and seeking independent professional and legal advice.

- A power of attorney is a legal arrangement that enables another person to manage your affairs and to make decisions on your behalf. If you are not satisfied with a power of attorney arrangement, it can be terminated.

Support for older people

It may be difficult to challenge behaviours or decisions when a close relative such as a son, daughter or grandchild is involved.

Older Victorians can access advice and assistance from:

- **Seniors Rights Victoria** – this free helpline, legal, advocacy and referral service on elder abuse is funded by the Victorian Government. This confidential service is staffed by qualified and experienced people who can help you. Seniors Rights Victoria can be contacted on **1300 368 821** 10.00 a.m. to 5.00 p.m. Monday to Friday or at <www.seniorsrights.org.au>.
- **SeniorsOnline** <www.seniorsonline.vic.gov.au> – this is a website developed by the Department of Health for seniors. The 'Your Rights' section has a range of contact details for older people including fact sheets on elder abuse.
- **Consumer Affairs Victoria** – for information on your rights when buying goods and services or to report scams and swindles contact Consumer Affairs Victoria on **1300 55 81 81** or at <www.consumer.vic.gov.au>.

If someone feels unsafe or threatened, they should contact Victoria Police on 000.

'Elder abuse' is "any act occurring within a relationship where there is an implication of trust, which results in harm to an older person. Abuse may be physical, sexual, financial, psychological, social and/or neglect." (Australian Network for the Prevention of Elder Abuse (ANPEA) 1999)

The World Health Organization describes elder abuse as a violation of human rights and a significant cause of illness, loss of productivity, isolation and despair (WHO 2002 Active Ageing Policy Framework).

To receive this document in an accessible format phone 9096 7389. (Ageing and Aged Care Branch)

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