

**Slide #1**



**Presenter**

**Notes**

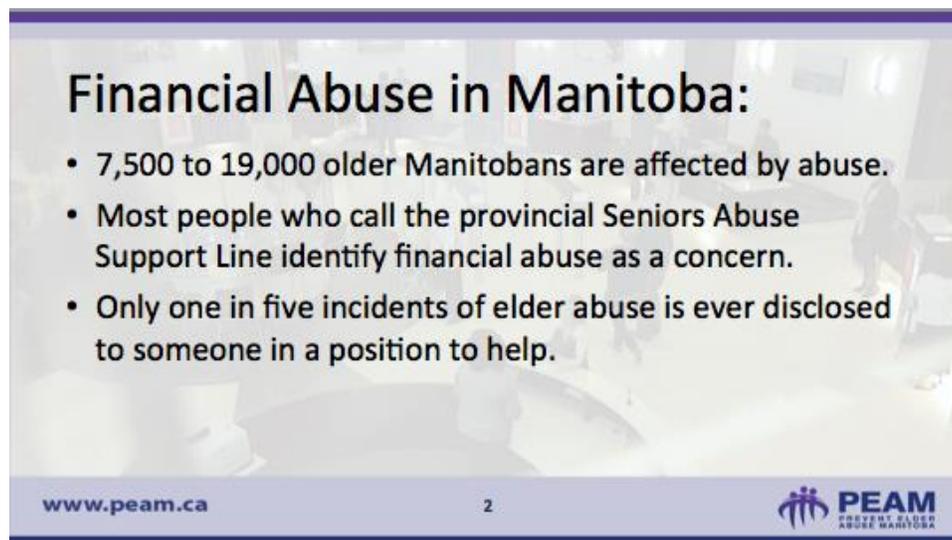
Welcome to this presentation and discussion about Financial Protection for Older Adults. Thank you for coming.

I'm \_\_\_\_\_, from \_\_\_\_\_.

You might want to thank the sponsor, the facility or the organizer.

Mention any housekeeping details, such as the length of the presentation, location of washrooms, etc.

## Slide #2



### Financial Abuse in Manitoba:

- 7,500 to 19,000 older Manitobans are affected by abuse.
- Most people who call the provincial Seniors Abuse Support Line identify financial abuse as a concern.
- Only one in five incidents of elder abuse is ever disclosed to someone in a position to help.

[www.peam.ca](http://www.peam.ca) 2 

You came here today because you want to learn more about financial protection for yourself or for someone close to you.

According to Canadian research, between 4 and 10% of seniors are subject to some form of abuse. This means that **between 7500 and 19,000** older Manitobans are affected.

Most of the seniors who reach out for help say they're being **financially abused**.

Financial abuse can involve taking money or property without permission, or pressuring an older adult to give money or turn over property.

Experts believe that for every report of elder abuse, there are **another four cases** that are never reported. We want to help change that.

**Slide #3**

The slide is titled "Financial Protection" in a large, bold, black font at the top left. Below the title are two side-by-side portrait photographs. The left portrait shows an older man with a grey beard and balding head, wearing a dark brown shirt. Below this portrait is the caption "Victor (David's Story)". The right portrait shows an older woman with short, curly white hair and glasses, wearing a white collared shirt. Below this portrait is the caption "Mrs. Walker (Stephanie's Story)". At the bottom of the slide, there is a dark blue horizontal bar containing the website address "www.peam.ca" on the left, the number "3" in the center, and the PEAM logo on the right. The logo consists of three stylized human figures in blue and purple, followed by the text "PEAM" in a bold, sans-serif font and "PREVENT ELDER ABUSE MANITOBA" in a smaller font below it.

The videos we're going to see were developed by Prevent Elder Abuse Manitoba, based on true stories from local credit unions. They're part of a training course designed to help employees recognize and respond to situations where an older credit union member is at risk of financial abuse.

I think these stories are relevant for all of us, especially when we look at the situation from the senior's perspective. We'll start with a man named Victor, whose solution to one problem led to another, more serious situation.

## Slide #4



***Narrated by David, a member services representative at a credit union:***

I've known Victor Phelps ever since I started working at the credit union. Whenever I talk to him, I feel like he's my grandfather. It worried me last winter when he didn't come in for a while, but when I saw him again he said he gave up driving and sold his car after he turned 85.

He made his friend Angela joint on his account and she had her own debit card so she could pick up his groceries and woodworking supplies – anything he couldn't carry on his bike.

I never get tired of hearing his stories, and he often asks me to sit with him when he looks through his safety deposit box. I like hearing about his days as a sniper in the Korean war. Once he told me the most amazing story about some Australian soldiers who ran out of ammunition behind enemy lines and how he helped to rescue them.

This one day, though, I could tell there was something wrong. He was showing me his sharpshooting record – he hardly ever missed the bull's-eye – but he seemed far away.

I asked him what was wrong, and he sort of reluctantly showed me his last statement and said he thought maybe the credit union had made a mistake, because some of his money was definitely missing. He said he had a thousand-dollar overdraft but had never – in all his years – ever gone into the red until now.

Victor was right – his chequing account was overdrawn by \$630.

We took a closer look at his transactions. I asked him about the grocery bill and he said he makes a list for Angela and she always gives him a receipt. It's usually around \$100. I pointed out that there were two debits at the grocery store the same day. He said Angela must have made a mistake and paid for her own groceries from his account by accident.

*(continued...)*

**(continued)**

Then I asked him about the \$125 at Trudy's Fresh Cut. He didn't know what that was. I said it sounded like a hairdresser.

What really put him into his overdraft was the \$500 ATM withdrawal last week. Victor said he'd never think of taking that much cash out at once. I looked up the records and figured out the transaction took place just after midnight. Victor said that was impossible – he always goes to bed at 10.

We talked to my manager, Stephanie. She found the ATM surveillance video from that night, and I described the scene to Victor. That's when he realized he would have to do something about Angela.

Stephanie explained that Angela would have to agree to be taken off the account.

I had some other suggestions. If he didn't want to give someone cash, he could keep his regular account for his own use and just put enough into a separate joint account to pay for items the other person would buy. He might want to reduce or cancel the overdraft, since he doesn't use it anyway.

Victor has a computer at home that he uses mostly for email. I showed him how to sign into his account and monitor transactions online so he doesn't have to wait for his statement to arrive.

I gave him some information about joint accounts and explained how he could pay his bills online. I mentioned that my next-door neighbour gets all her groceries delivered and I don't think they charge much for it.

I tried to reassure Victor that this could have happened to anyone, and it was good that he came and talked to me before it went too far.

So here's how it turned out. When Victor confronted Angela she admitted everything. She said couldn't pay her bills because she'd been on a losing streak at the casino. She agreed to be taken off the account.

I don't know if Victor will ever get his money back from her, but every time he sees me he tells me how much he appreciated my help.

## Slide #5



### What do you think about how Victor handled the situation?

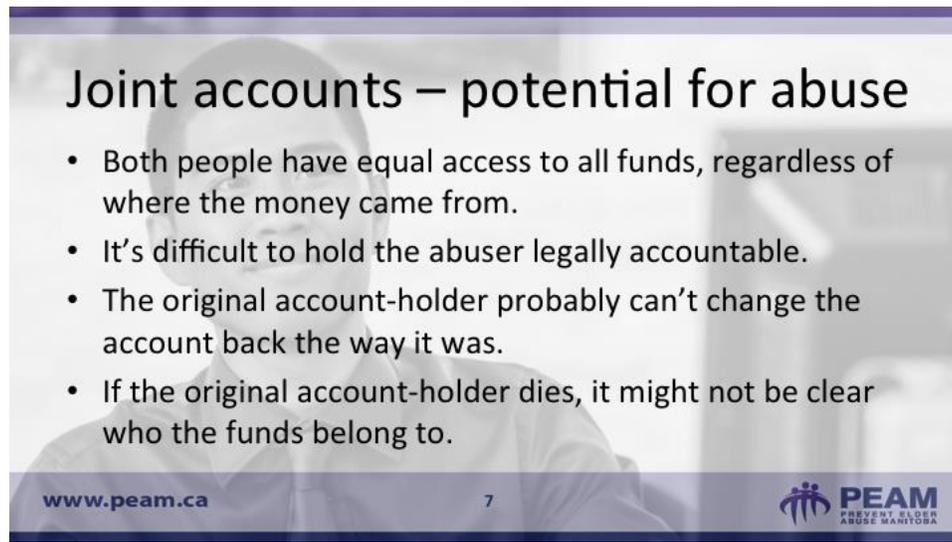
*(This is a very general question and participants might respond in a variety of ways.)*

If nobody speaks up right away, you can ask more specific questions:

- **What could Victor have done instead of setting up a joint account?** *(e.g., Give Angela cash for purchases; have groceries delivered; open separate joint account.)*
- **Why was Victor so reluctant to tell David about the missing money?** *(e.g. He was embarrassed; he thought it would be an ordeal; he was afraid David wouldn't believe him.)*
- **When Victor found out his account was overdrawn, did he do the right thing?** *(Yes. He talked to David, who was able to explain the withdrawals. This is a credit union's responsibility.)*
- **What do you think about the way Victor dealt with Angela?** *(It took courage for Victor to confront her, and although he might not get his money back, he did resolve the situation.)*

Angela probably started out with good intentions, but when she found herself short of money she couldn't resist using Victor's funds even though she knew it was wrong.

## Slide #6



### Joint accounts – potential for abuse

- Both people have equal access to all funds, regardless of where the money came from.
- It's difficult to hold the abuser legally accountable.
- The original account-holder probably can't change the account back the way it was.
- If the original account-holder dies, it might not be clear who the funds belong to.

www.peam.ca 7 

In Angela's case, she had her own debit card and full access to all the funds – as well as the overdraft – because Victor chose to make her a joint account-holder. She could even write cheques.

**If Angela got into financial trouble and her creditors came after her, do you think the funds in the joint account would be considered one of her assets?**

*(Yes. If one of the joint account holders has financial problems or declares bankruptcy, creditors could make claims on the money in the account.)*

## Slide #7

**Debit cards – potential for abuse**

- used with permission
- used without permission

www.peam.ca 6 PEAM PREVENT ELDER ABUSE MANITOBA

It's not unusual for someone to take money from a senior's account through misuse of a debit card.

Sometimes an older adult gives their debit card and PIN to a friend, relative or caregiver for a specific purpose, and this can lead to abuse. A big problem with this situation is that the senior has broken the cardholder agreement by sharing the card and PIN, and they won't be able to recover the funds even if they report it to their credit union or bank.

In other cases the abuser – often a family member – finds out the senior's PIN and takes the debit card without permission. Even though this is clearly a case of theft, it's usually not reported because the older person doesn't want to get the family member in trouble.

**Slide #8**

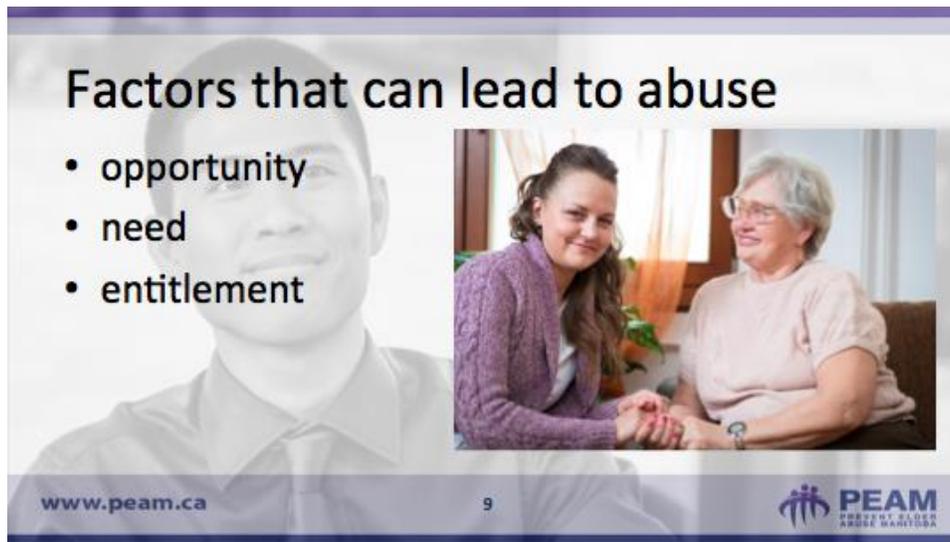


Financial abuse of older adults is a real concern to all of us working in the field of seniors. We see it happening at the local level generally within family situations. The money that seniors have today was hard earned and it needs to last for a long time because we are living longer today than we ever did before.

The biggest risk factor for financial abuse as I see it is the isolated senior. And we all want to be socially connected and if someone is assisting me be it a family or caregiver to stay connected then I'm prone as an older adult, senior, to give them what they want to pay for that service and sometimes that service costs me too much as a senior and all of it is because I want to stay connected, I don't want to be isolated.

It takes a whole village to look after everybody and we need to get out of age silos and talk to the person that lives next door to us and support in that way to prevent financial abuse, to prevent isolation.

**Slide #9**



The slide features a background image of a man in a white shirt and tie. Overlaid on the left is a list of factors: opportunity, need, and entitlement. On the right is a photograph of a younger woman in a purple sweater sitting and talking to an older woman in a pink shirt. The bottom of the slide contains the website 'www.peam.ca', the number '9', and the PEAM logo.

## Factors that can lead to abuse

- opportunity
- need
- entitlement

www.peam.ca 9 PEAM

One factor that can lead to abuse is someone having access to an older person’s assets and taking advantage of the **opportunity**. That’s what Angela did when Victor added her to his main chequing account.

Another factor is **need**. Angela needed money because she spent too much on her gambling habit. An adult son or daughter might need money for a child’s braces, or house repairs, or just to make ends meet.

A third factor is **entitlement**. I don’t think Angela felt entitled to Victor’s money – in fact, she felt guilty for taking it and planned to pay it back from her winnings at the casino. Family members, on the other hand, often feel a sense of entitlement to a senior’s financial resources. Sometimes they think, “Well, someday it’s all going to be mine, but I need the money right now.”

**Slide #10**

Relationships that can lead to abuse

- son or daughter
- other relatives
- new spouse



www.peam.ca 12 PEAM PREVENT ELDER ABUSE MANITOBA

Family dynamics can be complicated.

A **son or daughter** who already has a sense of entitlement could use emotional blackmail to get money from a parent, by threatening to cut off contact.

And it's not just close family members who are responsible for financial abuse. **Other relatives** – nieces, nephews, in-laws – might try to take advantage of an older person's generosity or desire to help.

A senior's **new romantic partner** can sometimes be seen by family members as a threat to their own inheritance, and they might try to sabotage even a healthy new relationship.

**Slide #11**

## Situations that can trigger abuse

- emergency expenses
- loss of job
- divorce
- addiction



www.peam.ca 13 PEAM PREVENT ELDER ABUSE MANITOBA

When people are faced with an **immediate need** for money, they often look around for someone who seems to have access to cash or credit.

**Losing a job** or **getting a divorce** could prompt adult children to pressure their parents for an unreasonable amount of financial help.

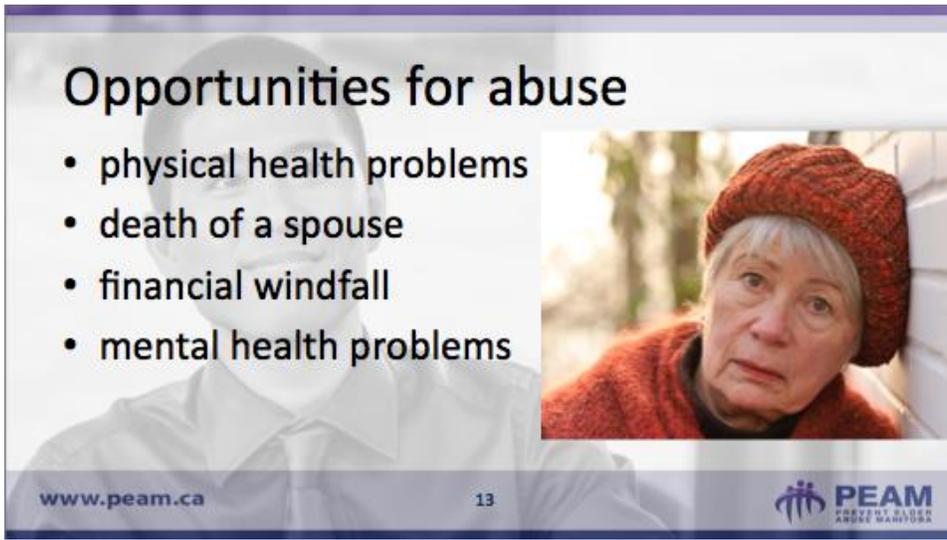
**Substance abuse and gambling** are other examples of situations that can lead to an urgent need for an outside source of funds.

**Slide #12**



Some of the areas that have seen that happen, unfortunately, is where a young adult is in trouble be it with an addiction of gambling, of drinking, drugs, whatever, and so what they end up doing unfortunately is stealing from the very person that cares for them the most. And they know that and they know that that person loves them and so I don't think that they do it really looking at – it's taking from their mom or dad or older adult but it is somebody that they know cares about them and it makes it easier.

**Slide #13**



The slide features a title 'Opportunities for abuse' in a large, bold, black font. Below the title is a bulleted list of four items: 'physical health problems', 'death of a spouse', 'financial windfall', and 'mental health problems'. To the right of the list is a photograph of an elderly woman with white hair, wearing a red knit hat and a red sweater, looking slightly to the side with a serious expression. The background of the slide is a light blue gradient with a faint image of a man in a white shirt and tie. At the bottom left is the website 'www.peam.ca', in the center is the number '13', and at the bottom right is the PEAM logo with the text 'PEAM ADULT SAFETY ABUSE MANAGER'.

As an older adult's circumstances change, the opportunities for abuse can increase.

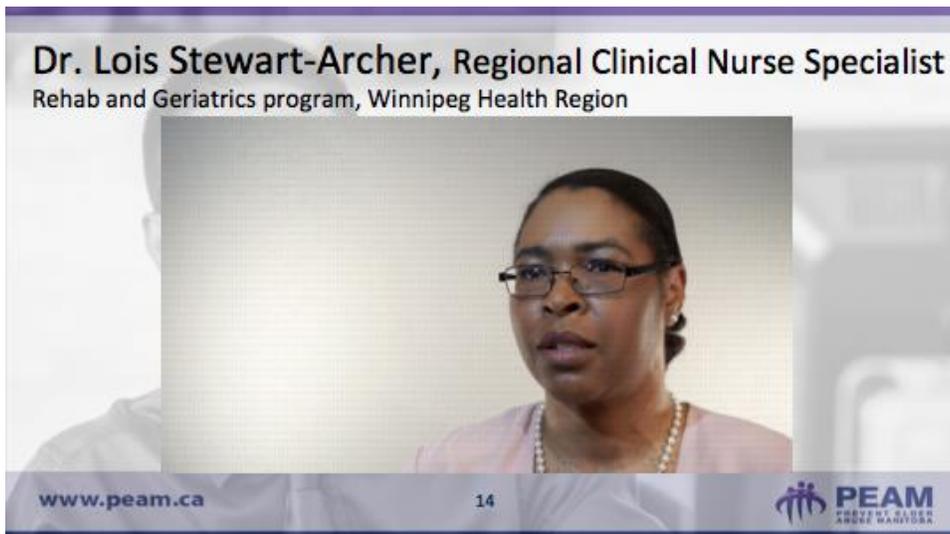
Losing a driver's licence or **becoming less mobile** can lead to social isolation and make a senior more dependent on other people. A sudden event like a **heart attack or stroke** might require an adult child to step in and help manage the senior's finances.

The **death of a spouse** could make someone more vulnerable to financial abuse. And if there's a life insurance settlement some adult children feel entitled to all or part of it.

Sale of the family home is another **financial windfall** that can lead to disputes over the proceeds.

It's more complicated if an older adult begins to show signs of **confusion or dementia**. This raises many issues of financial responsibility and opens up the possibility of exploitation.

## Slide #14



Dr. Lois Stewart-Archer, Regional Clinical Nurse Specialist  
Rehab and Geriatrics program, Winnipeg Health Region

www.peam.ca 14 PEAM  
PROBITY SALUS  
ABOVE MANTUA

Incompetence or lacking in capacity is a huge, huge step and I know many people are scared, they're frightened, and so we with the geriatric mental health teams and the geriatric program assessment teams are very much aware of this fact. So we do not do this lightly because when you remove or when you state that somebody is incompetent we are actually depriving them of some basic rights, so we want to make sure that this assessment is correct.

We had this gentleman who lived in the rural parts of the province and he moved to Winnipeg, was in a personal care home there, had a nephew who visited quite regularly and after each visit he was presented with a \$5,000 cheque so of course the staff were very concerned and their concern was this is someone who is vulnerable and is being abused. So we were asked to see this gentleman. ... He said you know what, this is the only family member who I have. He's visited me since he was young so this is long standing and I think he really cares for me and above, he also comes once a month and that's a fair commitment because he has to drive from out of town and then he added, you know what – I have enough money where I am able to cover my expenses. I can cover my living expenses; I can buy things if I want so I'll be OK. So once we heard that it kind of made it clear to us that yes he's giving the money but that money was, as he said, it's payment for commitment so because we had done the cognitive screen and found that he was quite good cognitively, there was absolutely no need to declare this man incompetent.

## Slide #15

### Abuse of credit – lending money

- easier to ask for loan than gift
- borrower promises to repay
- could be several small amounts



www.peam.ca 15 PEAM PREVENT ELDER ABUSE MANITOBA

Let's take a closer look at some of the ways a person can take advantage of a senior's good will or good credit rating.

Sometimes a request for money from a family member, friend or caregiver is easier for everyone to accept if it's called a loan. The borrower may genuinely intend to repay it, but if this doesn't happen voluntarily, it can be difficult to get the money back.

Even if it's only small amounts these can add up, and it's hard to keep track when someone borrows money repeatedly.

### **What could an older person do when someone wants to borrow money?**

*(For example:*

*Refuse to lend it.*

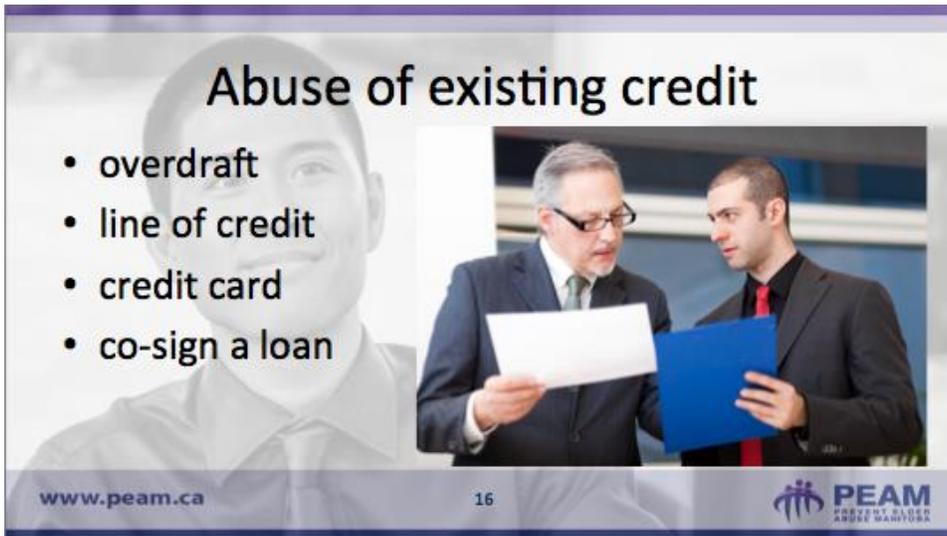
*Make sure you have sufficient funds for your own needs before lending money to anyone else.*

*Keep track of the amounts borrowed.*

*Have the borrower sign an I.O.U.*

*Agree on a schedule or deadline for repayment.)*

**Slide #16**



The slide features a title 'Abuse of existing credit' at the top. Below the title is a bulleted list: '• overdraft', '• line of credit', '• credit card', and '• co-sign a loan'. To the right of the list is an image of two men in business attire; one is holding a white document and the other is holding a blue folder. The slide footer includes the website 'www.peam.ca', the number '16', and the PEAM logo with the tagline 'PROXY SAVER ABOVE MATHS'.

Seniors who have saved for retirement and handled their finances responsibly have usually built up a good credit rating, and may have access to funds through an existing **overdraft**, **line of credit** or a high-limit **credit card**.

This can be tempting for adult children or others who have exhausted their own options for credit. They might convince a parent to tap into these funds, usually with the promise to pay everything back with interest.

It's not uncommon for someone to ask their parents to **co-sign** a loan or act as a guarantor.

**Why might parents want to co-sign a loan for their adult children?** *(There's nothing wrong with parents wanting to help their kids if they can afford it after paying for all their own expenses. Many parents lend money for a down payment, starting a business, education costs, etc.)*

**What happens if someone co-signs a loan and the borrower can't make the payments?** *(The person who co-signs is liable for the full amount of the loan and must pay it back or take over the payments.)*

**Slide #17**

**Abuse of access to home equity**

- home equity line of credit
- reverse mortgage
- joint ownership
- forced sale



www.peam.ca 18 

When seniors still live in the family home, their children sometimes feel a sense of ownership and believe they're entitled to share in its value. This can lead to pressure to use the **equity** in the house to borrow money.

**Reverse mortgages** are advertised as a simple, convenient way for seniors to turn the equity in their home into ready cash, but most financial advisors say there are usually better options.

Seniors shouldn't be talked into putting their house into **joint ownership** without legitimate estate planning reasons. There could be unintended consequences if the new joint owner abuses the privilege, or if siblings who feel entitled are not included.

In some situations parents feel pressure to **sell** the family home and are forced to live with one of their children, or in rental accommodation, or in a care facility.

**Slide #18**



I think that probably the biggest risk for financial abuse is a lack of awareness so I think that people don't always have the opportunity to get educated about what their rights are, what the resources are to know that there is help out there if you have questions or concerns about your finances and that can help you to navigate some very challenging waters when it comes to financial security so also knowing that you do have the right to say no. You have the right to say yes, but you do have the right to say no. It's not being selfish to take care of your needs before turning yourself to meeting the needs of others as well.

**Slide #19**



Our next story is about Mrs. Walker, a kind woman who just wanted the best for all her children. However, two of them used Power of Attorney privileges to take advantage of her.

## Slide #20



***Narrated by Stephanie, a credit union branch manager:***

Mrs. Walker was my Sunday School teacher when I was in Grade 4 and she seemed pretty old to me then. She's over 90 now, and I suppose to some people it wouldn't seem surprising that her kids stepped in to take over her affairs.

That's not how I saw it.

Mrs. Walker was fairly well off for a retired librarian, because she got a big insurance settlement when her husband was killed in an accident at work. A year and a half ago her son Bruce showed up at the credit union with a Power of Attorney and said he would be handling his mother's finances. Then he used the POA to transfer large sums of money to his own account. The staff brought it to my attention but when I talked to Mrs. Walker she said everything was fine.

Then Cathy showed up with a new Power of Attorney that took precedence over her brother's POA. She started taking chunks of money from the account.

When I contacted the lawyers who wrote the POAs neither of them would give me any information. I called the Public Trustee, but he couldn't do anything unless Mrs. Walker was mentally incapable of handling her own finances. The woman who answered the senior support line gave me some good advice and suggested Mrs. Walker contact them directly. Our own lawyer said that if this is what Mrs. Walker wants, there's very little we can do about it.

*(continued...)*

**(continued)**

Her investments were almost gone by the time Bruce showed up with the third Power of Attorney. He used the POA to sell his mother's house and took most of the money for himself.

Mrs. Walker moved in with her daughter and I wasn't surprised when Cathy produced another POA to replace her brother's. Mrs. Walker didn't come into the credit union any more, and when I phoned, Cathy wouldn't let me speak to her.

I consulted with our lawyer again, then I wrote to Mrs. Walker, Cathy and Bruce, requiring them to come to my office for a meeting. I threatened to freeze the accounts if they didn't all show up.

I said I wanted to go through the recent transactions with them to make sure everything met with Mrs. Walker's approval as the account holder, and was within the scope of the POA.

First I asked Mrs. Walker if she wanted to review the account history separately with Bruce and Cathy, depending on who had the Power of Attorney at the time of the transactions. She said no, we could talk about it all together, and I made a note of her agreement, as the lawyer told me to do.

At one point Bruce claimed that Cathy spent \$20,000 of their mom's money on some luxury European river cruise. She accused him of using most of the money from the sale of the house to renovate his own place, instead of splitting the proceeds with her.

I don't think Mrs. Walker had any idea how much the two of them had taken from her accounts until she saw it in black and white.

Over Bruce and Cathy's objections I invited Mrs. Walker into my office alone. She asked me exactly how much was left of her savings and investments.

The answer shocked her.

We talked about what she could do to regain control of her finances. She said, "If only Sarah didn't live so far away." I'd forgotten about her other daughter, who left town right after high school. Apparently she'd started a business that was pretty successful but it meant she couldn't visit very often. Mrs. Walker agreed to let me call Sarah and discuss the situation with her. I made a note of her permission and got the phone number.

Sarah had no idea what Bruce and Cathy had been up to, but she believed her mother was still quite capable of making her own financial decisions. Sarah hired a lawyer and worked with her mother over the next few months. They revoked the Power of Attorney and were eventually able to recover some of the money. Not enough, in my opinion, but with Sarah's help Mrs. Walker was able to move into a really beautiful assisted living facility nearby. She even started coming to church again.

I don't know if I should have acted sooner, but it sure is nice to see Mrs. Walker's own money being used to make a good life for her instead of for her children.

**Slide #21**

Mrs. Walker



www.peam.ca 22 PEAM PREVENT ELDER ABUSE MANITOBA

It doesn't always turn out this way. Sometimes, in spite of the best efforts of people like Stephanie, seniors are stripped of their financial assets.

It's hard to watch this happen, but people have the right to make their own decisions.

**Why do you think Mrs. Walker gave control of her finances to Bruce and Cathy?**

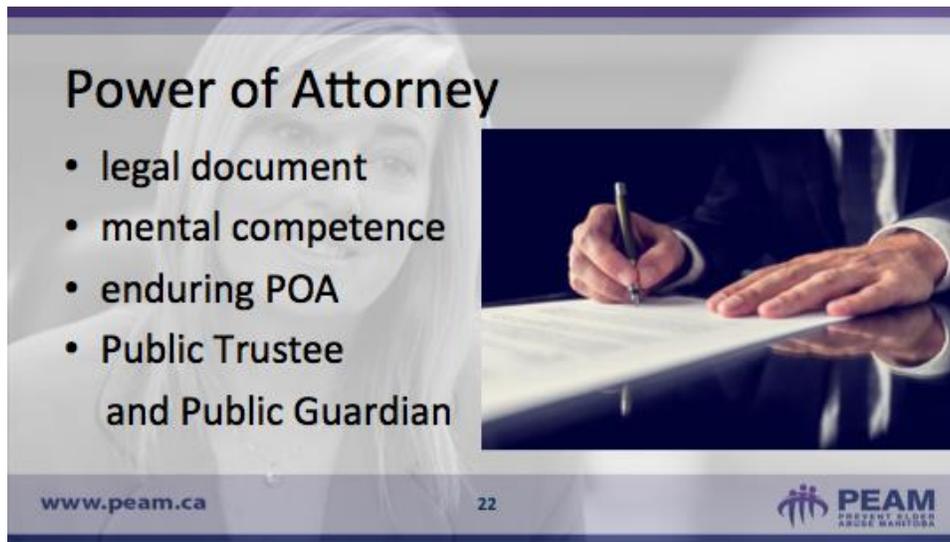
*(For example:*

*She wanted to believe the best about her children.*

*She gave in to pressure from them.*

*Bruce and Cathy hid the truth from her – that they were taking money from her accounts for their own use.)*

**Slide #22**



**Power of Attorney**

- legal document
- mental competence
- enduring POA
- Public Trustee and Public Guardian

www.peam.ca 22 PEAM  
PROUDLY MANAGED

A Power of Attorney is a **legal document** that you can set up to allow another person to manage your financial affairs. This can apply to your money, investments, and everything you own, including your home.

At one point in Mrs. Walker’s story there was a question of her **mental competence** – an issue that can come up for older adults.

Of course a person has to be mentally competent at the time of signing for a POA to be valid. Normally, a Power of Attorney would end if the older adult becomes mentally incapable, but the law allows you to specify that the POA will remain in effect even after a determination of mental incompetence. This type of document is called an **enduring Power of Attorney**.

In Manitoba the **Public Guardian and Trustee** cannot act to protect an older person’s interests unless the senior has been declared mentally incompetent and doesn’t have anyone looking after their financial affairs.

**Slide #23**



The Public Guardian and Trustee's Office can only provide assistance to somebody who's been financially abused if the Public Guardian and Trustee's Office is actually appointed as committee or substitute decision maker for finances. In that role we can review the financial history for the individual and determine whether or not there is actually clear evidence of abuse and the extent of the abuse. And based on a number of factors we can decide to pursue the abuser if there is clear evidence and there is a reason to move forward with such proceedings. So we can look at trying to recover the funds on behalf of our client but that's not always appropriate it's dependent on a variety of circumstances.

**Slide #24**

POA – Who is the best choice?

- trustworthy
- financially competent
- experienced
- available
- reliable
- willing



www.peam.ca 24 PEAM PREVENT ELDER ABUSE MANITOBA

Think about the people you know. Who would you trust to manage your financial affairs? You obviously want someone who has always been open and honest with you, someone you know well, and who will act in your best interest.

**How would you judge a person’s financial competence and experience? What would you look for?**

*(For example:*

*Someone who manages their own money well.*

*Someone who understands financial matters.*

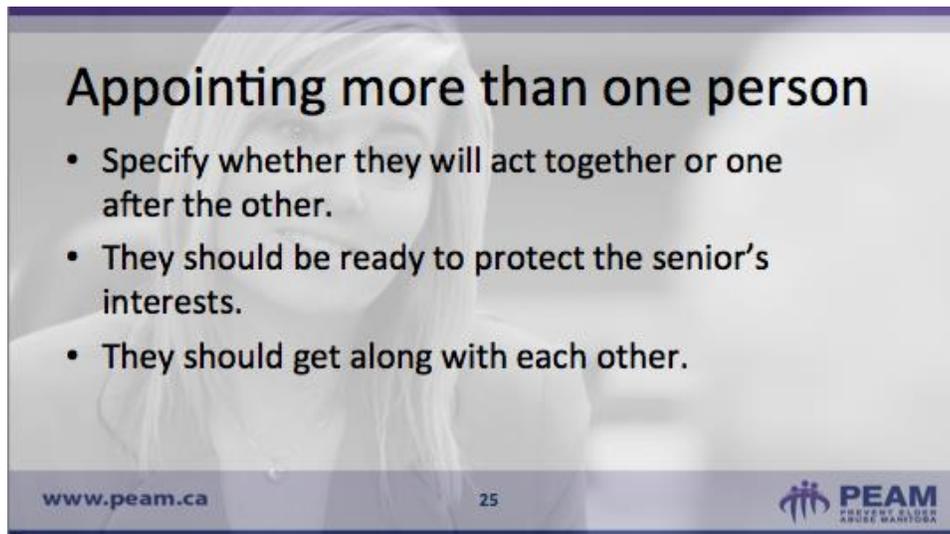
*Not someone who has their own financial problems.)*

The person needs to be available, and should have time to handle your money and property in addition to their own. Probably it’s best if they live nearby and are easy to get in touch with.

It should be someone who has proven to be reliable in the past, and will carry through on important decisions or duties.

And finally, you need to make sure the person is willing to take on this responsibility, and understands what’s involved.

## Slide #25



### Appointing more than one person

- Specify whether they will act together or one after the other.
- They should be ready to protect the senior's interests.
- They should get along with each other.

www.peam.ca 25 PEAM PROPERTY CLUB KESWICK WANTSICHA

You can use one document to appoint more than one person as your Power of Attorney. This can provide checks and balances or lead to disagreements, so you need to consider carefully.

If you want to give power to more than one person, you have to **specify whether they must agree** on each decision. If not, the first person you name will have the power, and the next one will only step in if the first person can't or won't decide.

Regardless, they should be prepared to act in **your best interests**, not their own, and it will help if they **get along** with each other. You need to discuss all of this in advance.

Mrs. Walker did not give joint Power of Attorney. Instead, Bruce talked her into signing a POA giving him exclusive rights. Then Cathy did the same thing, and the new document took precedence. This happened several times before it was resolved, and led to all sorts of problems.

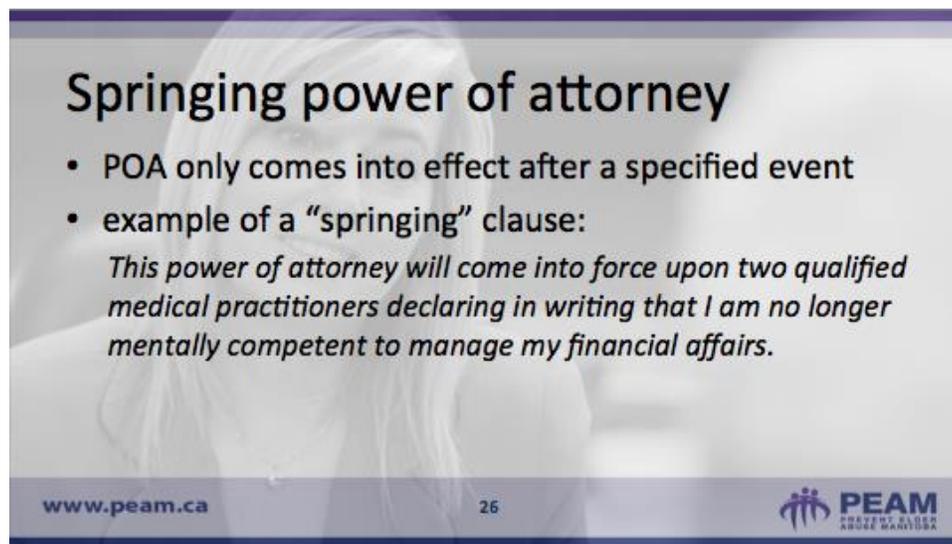
**What would have happened if Mrs. Walker had named Bruce and Cathy on the same POA, and specified they must act together?**

*(Some possible answers:*

*They still would have stolen all her money.*

*They wouldn't be able to agree, so Mrs. Walker's money would have been safe.)*

## Slide #26



**Springing power of attorney**

- POA only comes into effect after a specified event
- example of a “springing” clause:  
*This power of attorney will come into force upon two qualified medical practitioners declaring in writing that I am no longer mentally competent to manage my financial affairs.*

www.peam.ca 26 

This is a common kind of POA, which many people want to have just in case they eventually become unable to manage their own finances.

Until the power “springs” into effect, the person named in the document has no control at all over the senior’s finances.

Here’s an example of a springing clause: “This power of attorney will come into force upon two qualified medical practitioners declaring in writing that I am no longer mentally competent to manage my financial affairs.”

**Slide #27**

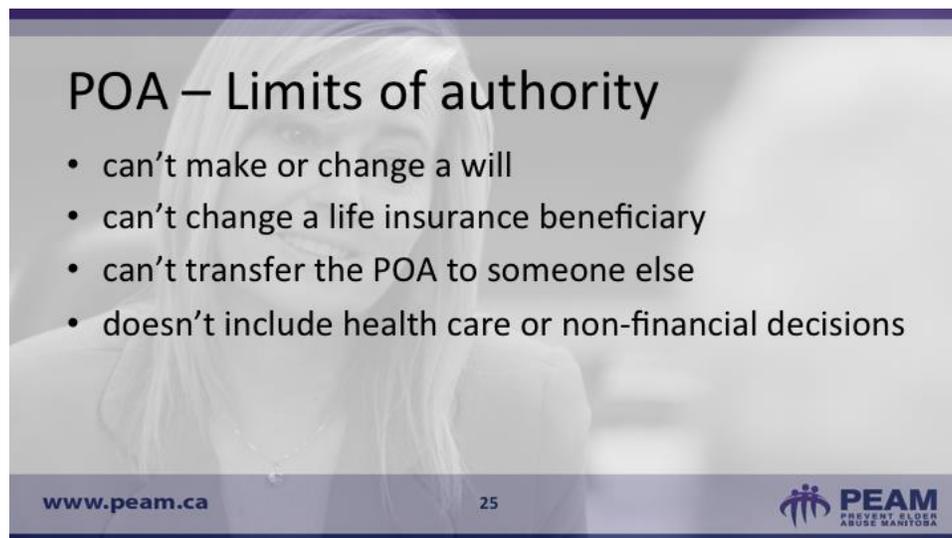


We have a great concern for the financial welfare of people with dementia. The primary thing we talk with them about is making sure that they've appointed an enduring power of attorney. It is just so important that they choose the person they would like to manage their resources at the point that they cannot. We then say to them "Make sure that you choose someone you trust, someone that you believe will represent your values well. Use your resources for your benefit in the way you would want to use them."

But the thing that we often run in to is that one family member may perceive that the person with power of attorney is not using it appropriately. It may be that they believe that the person is withholding resources and not doing all they could for the person they represent or at times they will even believe that the person is taking resources for themselves.

The most important thing is get that power of attorney done well in advance of when you think you need it. Then beyond that I think that the flip side of that is that for those that are appointed as power of attorney on behalf of a person with dementia to realize that when a person is starting to make poor decisions it is the duty of the power of attorney to begin to act and that is not dishonouring, actually it's honouring, to say I need to help you with that, let's do it together and eventually yes, do it for, using all those things that you know about the person's values, the person's spoken values, the person's implicit values of how they would like to see their resources used.

## Slide #28



**POA – Limits of authority**

- can't make or change a will
- can't change a life insurance beneficiary
- can't transfer the POA to someone else
- doesn't include health care or non-financial decisions

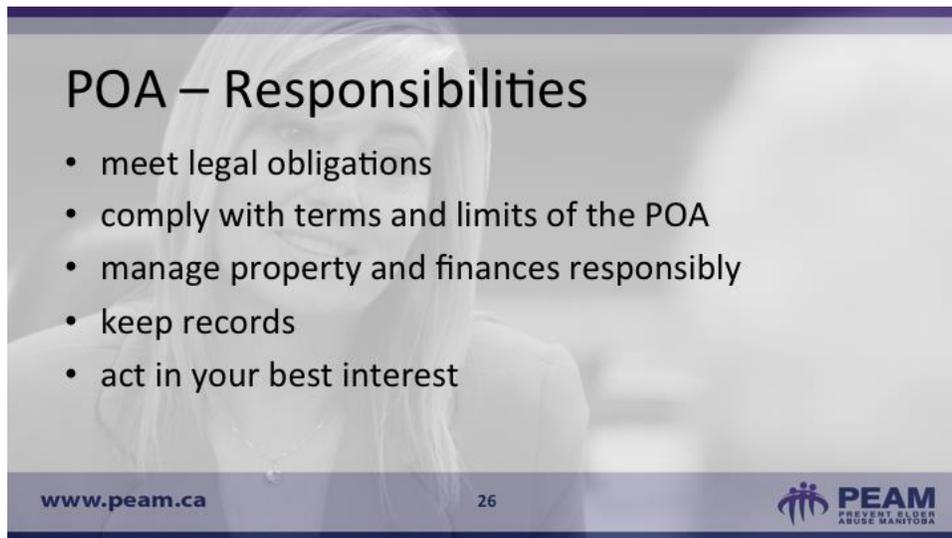
[www.peam.ca](http://www.peam.ca) 25 

The person you appoint has limits to their authority over your affairs.

They can't make a will for you or change an existing will. They can't add or change a beneficiary on a life insurance policy. They can't hand over the POA to someone else on your behalf.

In Manitoba, the financial Power of Attorney we're talking about doesn't apply to health care or other personal decisions – that would have to be done in a separate document called a Health Care Directive.

## Slide #29



### POA – Responsibilities

- meet legal obligations
- comply with terms and limits of the POA
- manage property and finances responsibly
- keep records
- act in your best interest

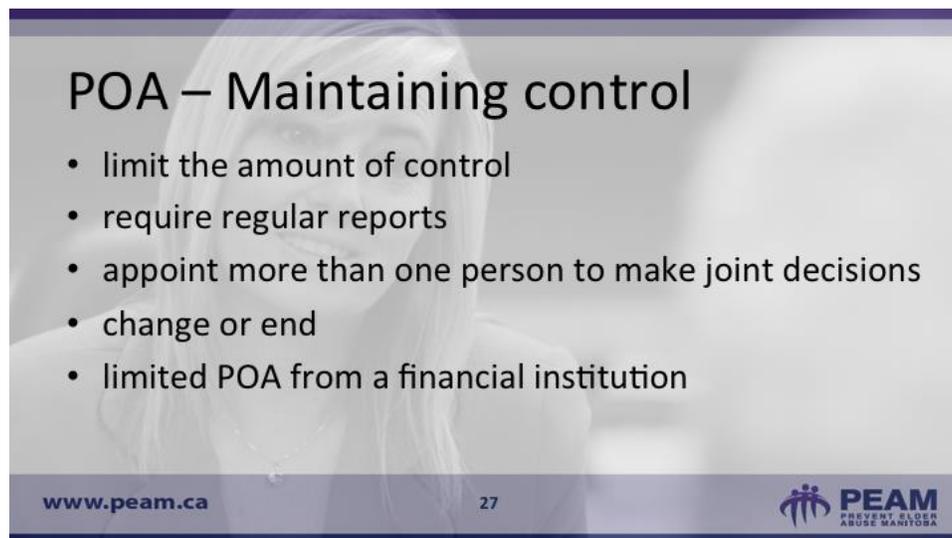
[www.peam.ca](http://www.peam.ca) 26 

The person you appoint has many legal responsibilities. They have to comply with all the terms and limits of the POA. They have to manage your property and finances conscientiously and keep detailed records.

The most important responsibility is that they must act in your best interest. They're not legally permitted to simply take your money or property and use it for themselves.

Although what Cathy and Bruce did was against the law, there was no simple solution, especially because they'd already spent most of the money and Mrs. Walker didn't want to shut them out of her life.

**Slide #30**



**POA – Maintaining control**

- limit the amount of control
- require regular reports
- appoint more than one person to make joint decisions
- change or end
- limited POA from a financial institution

[www.peam.ca](http://www.peam.ca) 27 

You can specify whether you want to give control over all or just some of your financial matters.

You can require the person to send you regular updates.

You can appoint two or more people to act on your behalf, requiring them to make decisions together. This might provides less opportunity for abuse.

It's important to understand that you can change or end the Power of Attorney at any time, as long as you have the legal capacity to do so.

A credit union or bank can provide an in-house POA that allows you to appoint someone to make decisions about a specific account or property.

**Slide #31**



Susan Crichton, Elder Abuse Consultant  
Manitoba Seniors and Healthy Aging Secretariat

www.peam.ca 31 PEAM  
PROJECT ELDER ABUSE  
MANITOBA

I think it's really important that adults of all ages plan for their future and plan well ahead of time and have a good understanding of the key things that should be in place in the context in Manitoba. So power of attorney, a health care directive and a will and have a good understanding of what those documents mean and what they do and don't allow somebody to do. I find that often I get calls and situations where people haven't had a good understanding or haven't planned for it and it can be very difficult for both them as well as family members who may be trying to assist them or in a situation where they have somebody who's been taking advantage of power of attorney for example and can place them in a vulnerable situation and where they may have lost significant funds or a property or other assets.

**Slide #32**



I'm handing out a list of local resources where you can go for more information about some of the topics we've discussed.

**Slide #33**



**Before we end, do you have any other questions or comments?**

Thank you for participating. I'll be glad to stay around for a few minutes if there's anything else you want to talk about.

**Slide #34**

Initiated & managed by:



In consultation with:



CANADIAN NETWORK for  
the PREVENTION of ELDER ABUSE

In consultation with:



CREDIT UNION CENTRAL of MANITOBA



Financial Consumer  
Agency of Canada



Credit Union  
Central of Canada

Funded by:



Written and developed by:

