

CASE STUDY

FINANCIAL ABUSE OF OLDER PEOPLE

Case study fifteen: Successful strategy for recovery

Source: Monash University and State Trustees Protecting Elders' Assets Study

An older woman, who had a son and a daughter, had recently become widowed. Her son was in his 60s and had a much younger wife who was closer to his mother than was her daughter. The recently widowed woman had not been heavily involved in the family finances, which were farm based. She signed transfer documents that transferred ownership of the rural property to her daughter-in-law.

The daughter got wind of this and commenced a notification process, which led to the appointment of an attorney as administrator for the mother. The tribunal concluded that the mother had a disability that prevented her from making reasonable judgements and needed help. An attorney was appointed and sought recovery of the property. The son said it was what the mother wanted because she did not like her daughter and did not want her to inherit anything when she died.

The attorney sought a negotiated settlement on the \$1mil+ property, and retrieved \$700,000 for the mother, who no longer had the capacity to either confirm the son's story or deny it. The daughter-in-law subsequently left. Had the transfer of the property not been discovered and nor been reversed the mother would have been left destitute.