

CASE STUDY

FINANCIAL ABUSE OF OLDER PEOPLE

Case study four: Capacity

Source: Senior Rights Victoria

Background

Mary is 64 years old. She has been a client of John's for the past 30 years. Up until recently she worked at the local Council as CEO. 10 months ago, Mary had a fall at work. She fell down a flight of stairs, broke her leg and hit her head. She was in a coma for a couple of weeks after the accident. Since the accident, Mary has at times appeared disoriented and confused. She sometimes forgets where she is and what she is doing. Bob is Mary's boyfriend. Bob doesn't work but he has been living with Mary for the past 12 months. Last time John spoke to Mary about Bob, which was before the accident, she told John that Bob wanted her to change her Will to include him as a beneficiary. Mary was adamant that she didn't want to do this.

Issues for practitioners

A couple of days ago, Mary rang John to tell him that she wanted to talk to him about changing her investment strategy. When Mary arrived at her appointment she was with Bob. Mary couldn't remember John's name. John had trouble understanding Mary at times. Bob explained that Mary wanted to nominate him as the sole beneficiary of her superannuation fund. When John asked Mary if this was true she said "I think so" in a vague manner. John does not believe that Mary would have wanted this before the accident.

- What should John do?