

Early planning

This Help Sheet discusses ways to plan ahead and organise financial and legal affairs and lists people and organisations that can help.

Dementia affects people differently. One person may begin to lose the ability to handle money or make competent business decisions at an early stage, while another person may keep these skills much longer.

However, sooner or later their abilities will decline and the person with dementia will be unable to make their own decisions about their financial and legal matters.

Planning ahead

Planning ahead can make it easier for families and carers to manage the affairs of a person with dementia. It may also mean that the person with dementia can participate in the planning and make sure that their wishes are carried out in the way that they would like.

Wherever possible, get advice while the person with dementia can still participate in the discussion and is legally competent to sign any documents.

Money matters

If a bank account is in joint names, the partner of the person with dementia can continue to operate it without any change in arrangements. However problems can occur if the person with dementia uses the account inappropriately or has accounts in their name only. To avoid these difficulties the person with dementia can give authority, while legally competent, for another person to operate the account. It is important to remember that this authority will be invalid if completed when the person is no longer legally competent. If they are unwilling to agree to a change of arrangement it may be helpful to consult the bank manager about a possible solution.

Planning ahead means:

- Having joint signatures on all financial accounts
- Discussing future financial affairs with a financial adviser
- Arranging how and when the person with dementia will access their finances

Who can help?

- Bank manager
- Accredited financial adviser
- Solicitor
- Dementia Australia

Enduring Power of Attorney

In most States and Territories a person can sign a document called an enduring power of attorney if they are legally competent at the time of signing. An enduring power of attorney is a legal arrangement that enables a nominated person to look after the financial affairs of another person should they become unable to do so. Many people have enduring powers of attorney regardless of any illness or diagnosis.

An ordinary, or general, power of attorney is also available but is only valid while a person is legally competent. An enduring power of attorney continues until the person's death, unless revoked.

One of the benefits of having an enduring power of attorney is that it allows the person with dementia to choose someone to act on their behalf in legal and financial matters when they are no longer able to do so themselves.

Planning ahead means:

- Ensuring that the person with dementia has the opportunity to consider making an enduring power of attorney if they don't already have one, as soon as possible after diagnosis and whilst they have the capacity to do so
- Ensuring that family and carers also have their own enduring powers of attorney to ensure that their affairs are well managed in case they also become incapable
- Having a copy of the enduring power of attorney, and knowing where it is kept

National Dementia Helpline 1800 100 500

dementia.org.au

Who can help?

- Solicitor
- The Law Society or Institute, or Legal Aid
- The Public Advocate or Public Guardian
- Dementia Australia

Wills

A will gives instructions as to how the estate of a deceased person should be distributed.

A will is only legal if the person understands its implications, so it is essential that if the person with dementia wishes to make, or update their will, they do so while they are still competent to sign.

Planning ahead means:

- Having an up-to-date will
- Knowing who the executor is, and where the will is kept

Who can help?

- Solicitor
- The Law Society or Institute, or Legal Aid
- Dementia Australia

Decisions about medical treatment

If a person with dementia loses the legal capacity to make decisions about their medical treatment, someone else needs to make those decisions for them. In most States and Territories a trusted relative or friend can be appointed to make these decisions. If this has not been put in place, the law in every State and Territory allows a particular court to appoint someone to make decisions on behalf of the person with dementia.

Two types of tools are available to help plan ahead for decisions about medical treatment:

- An enduring power of attorney covering health matters. This allows the person with dementia to appoint a person to be a substitute decision-maker for medical decisions
- An advance directive. This is a written document expressing the wishes of the person with dementia about medical treatment

Different names may be used in some States and Territories, but the function of the document is much the same.

Planning ahead means:

- Ensuring the person with dementia has the opportunity to make an enduring power of attorney covering health matters or an advance directive
- Having a copy of the document, and knowing where it is kept

Who can help?

- Solicitor
- The Law Society or Institute, or Legal Aid
- The Public Advocate or Public Guardian
- Dementia Australia

Guardianship and Administration

In most States and Territories there is a Guardianship Board or Tribunal that can appoint a guardian or administrator for a person who is no longer able to make decisions for themselves. If there are problems dealing with the affairs of the person with dementia, or there is conflict about the person's best interests, an application for the appointment of a guardian or administrator may need to be considered.

Dementia Australia can be contacted to discuss whether an application to appoint a guardian or administrator may be needed, and how to go about it.

FURTHER INFORMATION

Dementia Australia offers support, information, education and counselling. Contact the National Dementia Helpline on **1800 100 500**, or visit our website at dementia.org.au



For language assistance phone the Translating and Interpreting Service on **131 450**