

# IPPJANAR BIKRI

MALTESE | ENGLISH

**Dan il-Fuljett ta' Għajnuna jiddiskuti modi biex tippjana bil-quddiem u torganizza l-affarijiet finanzjarji u legali u jagħti lista ta' nies u organizzazzjonijiet li jistgħu jgħinu.**

Id-dimensja taffettwa lin-nies b'modi differenti. Persuna tista' tibda tifle minn kmieni l-kapaċità li timmaniġġa l-flus jew li tagħmel deċiżjonijiet kompetenti fin-negozju, filwaqt li oħra tista' żżomm dawn il-kapaċitajiet għal żmien iktar twil.

Madankollu, issa jew imbagħad il-kapaċitajiet tagħhom ser jonqsu u l-persuni bid-dimensja mhumiex ser ikunu kapaċi jagħmlu deċiżjonijiet tagħhom dwar l-affarijiet finanzjarji u legali tagħhom.

## Ippjanar bil-quddiem

Ippjanar bil-quddiem jista' jagħmilha iktar faċli biex il-familji jew dawk li jduru b'ħaddieħor jimmaniġġaw l-affarijiet tal-persuna bid-dimensja. Jista' jfisser ukoll li l-persuna bid-dimensja tkun tista' tieħu sehem fl-ippjanar u tiżgura ruħha li x-xewqat tagħha se jitwettqu kif tkun trid hija.

Fejn ikun possibbli, hu parir meta l-persuna bid-dimensja tkun għadha tista' tieħu sehem fid-diskussjoni u tkun legalment kompetenti biex tiffirma d-dokumenti.

## L-affarijiet tal-flus

Jekk l-akkont tal-bank huwa f'żewġ ismijiet, il-parti l-oħra tista' tkompli tħaddmu mingħajr bdil fl-arranġamenti. Madankollu jista' jkun hemm il-problemi jekk il-persuna bid-dimensja tuża hażin l-akkont jew ikollha kotba oħra tal-bank f'isimha biss. Biex ikunu evitati dawn id-diffikultajiet l-persuni bid-dimensja jistgħu jagħtu l-awtorità, meta jkunu għandhom legalment kompetenti, lil persuna oħra biex tħaddem l-akkont. Huwa importanti li tiftakar li din l-awtorità ma tkunx valida jekk tingħata meta il-persuna ma tkunx għadha legalment kompetenti. Jekk ma jkunx iridu jaċċettaw li jibiddu l-arranġamenti jista' jkun ta' għajnuna jekk ikun ikkonsultat il-manijer tal-bank dwar xi soluzzjoni possibbli.

### Ippjanar bil-quddiem ifisser:

- Ikun hemm żewġ firem fuq kull akkont finanzjarju
- Ikun diskussi l-affarijiet finanzjarji ma' konsulent finanzjarju
- Jitranga kif u meta l-persuni bid-dimensja għandhom ikollhom aċċess għall-finanzi tagħhom

### Min jista' jgħin?

- Il-manijer tal Bank
- Konsulent finanzjarju akkreditat.
- Avukat
- Alzheimer's Australia

## Prokura li tibqa'

F'ħafna mill-Istati u t-Territorji persuna tista' tiffirma document li jissejjaħ prokura li tibqa' jekk tkun legalment kompetenti meta tiffirma. Prokura li tibqa' hija arrangament li bih persuna li tkun nominata tkun tista' tħaddem l-affarijiet finanzjarji ta' persuna oħra jekk ma tibqax kapaċi li tagħmel hekk hija. Ħafna nies għandhom prokura li tibqa' hemm jew m'hemmx dijanjosi jew mard.

Prokura ordinarja jew ġenerali tista' tinkiseb ukoll iżda tibqa' valida biss sakemm il-persuna tkun għadha legalment kompetenti. Prokura li tibqa' isservi sal-mewt tal-persuna sakemm ma tiġix revokata.

Wieħed mill-benefiċċji tal-prokura li tibqa' huwa li tagħti ċans lill-persuni bid-dimensja li jagħzlu lil xi ħadd biex jaġixxi f'isimhom fl-affarijiet finanzjarji u legali meta ma jibqgħux kapaċi li jagħmluh huma stess.

### Ippjanar bil-quddiem ifisser:

- Li jkun żgurat li l-persuni bid-dimensja jkollhom l-opportunità li jikkunsidraw li jagħmlu prokura li tibqa', jekk mhux diġa għandhom waħda, kmieni kemm jista' jkun wara d-dijanjosi u meta jkun għad għandhom il-kapaċità li jagħmlu dan.
- Li jkun żgurat li l-familji u dawk li jduru b'ħaddieħor ikollhom ukoll prokuri biex ikun żgurat li l-affarijiet tagħhom ikunu maniġġati sewwa fil-kas li jiġu inkapaċitati
- Li jkollok kopja tal-prokura u tkun taf fejn tkun qegħda

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## Min jista' jgħin?

- Avukat
- Is-Socjetà jew Istitut Legali (Law Society/Institute) jew il-Legal Aid
- L-Avukat Pubbliku jew it-Tutor Pubbliku
- Alzheimer's Australia

## Testmenti

Testment jagħti struzzjonijiet dwar kif għandu jinqasam il-wirt ta' persuna li tkun mietet.

Testment huwa legali biss meta l-persuna tifhem l-implikazzjonijiet tiegħu, għalhekk huwa importanti li jekk persuni bid-dimensja jkunu jridu jagħmlu jew jaġġornaw it-testment tagħhom, jagħmlu dan meta jkunu għadhom kompetenti biex jiffirmaw.

Ippjanar bil-quddeim ifisser

- Li jkollok testment aġġornat
- Li tkun taf min huwa l-esekutor u fejn ikun miżmum it-testment

## Min jista' jgħin?

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- Is-Socjetà jew Istitut Legali (Law Society/Institute) jew il-Legal Aid
- Alzheimer's Australia

## Deċiżjonijiet dwar il-kura medika

Jekk persuni bid-dimensja jtilfu l-kapaċità legali li jagħmlu d-deċiżjonijiet dwar il-kura medika tagħhom jinħtieġ li xi hadd ieħor jagħmel dawk id-deċiżjonijiet għalihom. F'ħafna mill-Istati u t-Territorji jista' jinħatar qarib jew ħabib/a ta' fiduċja biex jagħmlu dawn id-deċiżjonijiet huma. Jekk dan ma jkunx sar, il-liġi f'kull Stat u Territorju tħalli għal qorti partikulari biex taħtar lil xi hadd biex jagħmel id-deċiżjoniet f'isem il-persuna bid-dimensja.

## Hemm żewġ tipi ta' strumenti disponibbli biex jgħinu fl-ippjanar bil-quddeim tad-deċiżjoniet dwar il-kura medika:

- Prokura li tibqa' dwar il-materji tas-saħħa. Din tħalli lill-persuna bid-dimensja taħtar persuna biex tagħmel minn flokha d-deċiżjonijiet mediċi għaliha
- Direttiva bil-quddeim. Dan huwa dokument bil-miktub li jesprimi x-xewqat tal-persuna bid-dimensja dwar il-kura medika

Jistgħu jkunu wżati ismijiet differenti fl-Istati u t-Territorji, izda il-funzjoni tad-dokument hija tista' tgħid l-istess.

## Ippjanar bil-quddeim ifisser:

- Li jkun żgurat li l-persuni bid-dimensja jkollhom l-oportunità li jagħmlu prokura li tibqa' dwar il-kura medika jew direttiva bil-quddeim
- Li jkollok kopja tad-dokument u li tkun taf fejn tinzamm

## Min jista' jgħin?

- Avukat
- Is-Socjetà jew Istitut Legali (Law Society/Institute) jew il-Legal Aid
- L-Avukat Pubbliku jew it-Tutor Pubbliku
- Alzheimer's Australia

## It-Tutor u l-Amministrazzjoni

F'ħafna mill-Istati u t-Territorji hemm Bord jew Tribunal tat-Tutori li jista' jaħtar tutor jew amministratur għall-persuni li ma jkunux għadhom kapaċi jiehdu deċiżjonijiet għalihom infushom. Jekk ikun hemm xi problemi fit-tmexxija ta' l-affarijiet ta' persuni bid-dimensja jew ikun hemm kunflitti dwar l-aħjar interessi tal-persuni għandha tkun ikkunsidrata l-applikazzjoni għall-ħatra ta' tutor jew amministratur.

Alzheimer's Australia tista' tkun ikkuntattjata biex tkun diskussa il-ħtieġa ta' applikazzjoni għall-ħatra ta' tutor jew amministratur u kif għandha ssir.

## AKTAR TAGHRIF

Alzheimer's Australia toffri support, tagħrif, edukazzjoni u pariri. Ikkuntattja l-Linja Nazzjonali ta' Għajjuna fid-Dimensja fuq **1800 100 500** jew mur fuq il-websajt tagħna **fightdementia.org.au**



Interpreter

Għall-għajjuna fil-lingwa ċempel is-Servizz Telefoniku tat-Traduzzjoni u l-Interpreter fuq **131 450**

# 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
- Alzheimer's 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

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## Who can help?

- Solicitor
- The Law Society or Institute, or Legal Aid
- The Public Advocate or Public Guardian
- Alzheimer's 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
- Alzheimer's 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
- Alzheimer's 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.

Alzheimer's 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

Alzheimer's Australia offers support, information, education and counselling. Contact the National Dementia Helpline on **1800 100 500**, or visit our website at **[fightdementia.org.au](http://fightdementia.org.au)**



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