

及早规划

MANDARIN | ENGLISH

本须知讨论了及早规划和安排财务和法律事务的各种方法,并列出了可以提供帮助的人士和机构。

认知障碍症(失智症)对患者的影响各不相同。某个患者可能在较早阶段就开始失去处理财务或做出适当商业决定的能力,而另一个患者可能很长时间还保持着这些技能。

但是,认知障碍症(失智症)患者的能力迟早都会下降,那时就无法对财务和法律问题自行做出决定。

提前规划

提前规划可让认知障碍症(失智症)患者的家人和照顾者更便于协助患者处理事务。这也意味着认知障碍症(失智症)患者可以参与规划,确保按照自己希望的方式来实现自己的愿望。

在认知障碍症(失智症)患者仍然可以参与讨论并具备签署任何文件的法律行为能力时,要尽可能获取其意见。

财务事宜

如果是联名的银行帐户,认知障碍症(失智症)患者的配偶可以继续掌管帐户,而不需要做任何改变。但如果认知障碍症(失智症)患者对帐户使用不当,或者存在仅以其名义开立的帐户,就可能会出现問題。为了避免这些问题,认知障碍症(失智症)患者可以在有法律行为能力时,授权他人来管理帐户。请务必记住,如果授权书是在患者不再具备法律行为能力时填写的,那么这项授权是无效的。如果患者不愿对有关安排做出改变,不妨找银行经理咨询可能的解决方法。

提前规划意味着:

- 在所有财务帐户上都有联合签名
- 与财务顾问讨论将来的财务事宜
- 对认知障碍症(失智症)患者使用其资金的方式和时间做出安排

谁可以提供帮助?

- 银行经理
- 认证财务顾问
- 律师
- 澳大利亚认知障碍症(失智症)协会

永久授权书

在大多数州和领地,如果人们在签署时具备法律行为能力,就可以签署一份称为持久授权书的文件。持久授权书是一项让指定人士在某人无法管理自己的财务时代为管理的法律协定。许多人不管是否有任何疾病或诊断,都有永久授权书。

另外还可以使用一种普通或一般授权书,但这种授权书只是在当事人具备法律行为能力时才有效。除非永久授权书被撤销,否则永久授权书将一直有效,直至当事人死亡为止。

具有永久授权书有许多益处,其中之一就是这种授权书让认知障碍症(失智症)患者在自己不再有处理法律和财务事宜的能力时,选择某人代表自己来进行处理。

提前规划意味着:

- 确保认知障碍症(失智症)患者在诊断之后,并且在有能力做到时,可尽早考虑订立一份永久授权书。
- 确保家人和照顾者也有自己的永久授权书,如果他们失去能力,永久授权书就可确保其事务得到妥善管理。
- 保留一份永久授权书的副本并知道保管在什么地方。

National Dementia Helpline 1800 100 500

dementia.org.au

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谁可以提供帮助？

- 律师
- 法律协会或法律援助署
- 公共代言人或公共监护人
- 澳大利亚认知障碍症(失智症)协会

遗嘱

遗嘱是对死者的财产应如何分配所做出的指示。

只有当事人明白遗嘱的含义，遗嘱才属于合法。因此，如果认知障碍症(失智症)患者希望订立或更新自己的遗嘱，务必要在自己还有签署的法律行为能力时做好。

提前规划意味着：

- 有一份现时有效的遗嘱
- 知道谁是遗嘱执行人以及遗嘱保管在什么地方

谁可以提供帮助？

- 律师
- 法律协会或法律援助署
- 澳大利亚认知障碍症(失智症)协会

医疗决定

如果认知障碍症(失智症)患者失去做出医疗决策的能力，其他人就需要代为做出决定。在大多数州和领地都可以指定所信任的亲友来做出这些决定。如果没有做出这一安排，每个州和领地的法律都允许由特定法院指定某人代认知障碍症(失智症)患者做出决定。

有两种工具可以帮助对医疗决定及早规划：

- 涵盖健康事宜的永久授权书。这让认知障碍症(失智症)患者可以指定一个人代为做出医疗决定。
- 预先指示。这是表达认知障碍症(失智症)患者对医疗的意愿的书面文件。

文件在有些州和领地可能有不同的名称，但它们的功能大同小异。

提前规划意味着：

- 确保认知障碍症(失智症)患者有机会做出涵盖健康事宜的永久授权书或预先指示。
- 保留一份文件副本并知道保管在什么地方。

谁可以提供帮助？

- 律师
- 法律协会或法律援助署
- 公共代言人或公共监护人
- 澳大利亚认知障碍症(失智症)协会

监护与管理

大多数州和领地都有监护委员会或仲裁法庭，可以为不再有能力自行做出决定的人指定监护人或管理人。如果处理认知障碍症(失智症)患者的事务时出现问题，或者与患者的最佳利益存在冲突，就可以考虑申请指定监护人或管理人。

您可以联络澳大利亚认知障碍症(失智症)协会，讨论是否可能需要申请监护人或管理人以及申请方法。

详情

澳大利亚认知障碍症(失智症)协会提供支持、信息、教育和心理辅导。请联络全国认知障碍症(失智症)帮助热线：**1800 100 500**，或浏览我们的网站：**dementia.org.au**。



若需要语言方面的帮助，请致电口笔译服务处电话：**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
- 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**