

## Dementia - early planning will help

Dementia affects people differently. One person may begin to lose the ability to handle money matters or make competent business decisions at an early stage; another may keep these skills much longer. Eventually the abilities of the person with dementia will decline and they may be unable to make their own decisions about financial and legal matters.

### Planning ahead

Planning ahead can make it easier for families and carers to manage the affairs of the 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.

Where 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, credit cards or other arrangements in their name only.

To avoid these difficulties, the person with dementia can give authority, while legally competent, to another person to operate the account. It is important to remember that this authority will become invalid if 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.

### Plan ahead – money matters

Planning ahead means:

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

You can get help from:

- 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 another person's financial affairs should they become unable to do so themselves. Many people have enduring powers of attorney regardless of any illness or diagnosis.

An ordinary or general power of attorney is also available, but it is only valid while the person is legally competent. An enduring power of attorney is different because it remains valid even if the person becomes unable to manage their own affairs. This is why enduring powers of attorney are more useful for people with dementia.

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.

## **Plan ahead – enduring power of attorney**

Planning ahead means:

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

You can get help from:

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

## **Decisions about medical treatment**

If a person 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 person can appoint a person they trust to make these decisions. If a person has not planned ahead, the law in every state and territory allows a particular court to appoint someone to make these decisions.

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 a person to appoint another person to be their substitute decision maker for medical decisions
- An advance directive – this is a written document expressing a person's wishes about medical treatment.

**Different names may be used in some states and territories but the function of the document is much the same.**

## **Plan ahead – medical treatment**

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.

You can get help from:

- Solicitor
- The Law Institute
- 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 making it understands its implications. It is essential that, if the person with dementia makes or updates their will, they do so while they are still competent to sign.

### Plan ahead – wills

Planning ahead means:

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

You can get help from:

- Solicitor
- The Law Institute
- Legal Aid
- Alzheimer's Australia.

## Guardianship and administration

In most states and territories, there is a Guardianship Board or Tribunal which 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 in the family about the person's best interests, an application for the appointment of a guardian or an 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.

### Where to get help

- Your doctor
- Your local community health service
- Your local council
- National Dementia Helpline Tel. 1800 100 500
- Centrelink – Disability, Sickness and Carers Tel. 132 717
- Carer Respite Centre Tel. 1800 059 059
- Carer Resource Centres Tel. 1800 242 636
- Aged Care Information Line Tel. 1800 500 853

### Things to remember

- Early planning may allow a person with dementia to be involved in decisions about their medical treatment or financial future.
- Enduring powers of attorney are legal arrangements which allow another person to look after a person's finances, medical issues or have guardianship.
- A will is only legal if the person making it understands its implications.

**This page has been produced in consultation with, and approved by:**

Alzheimer's Australia Victoria

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