

# Abuse of Older People



## MAKING YOUR OWN DECISIONS

This information is from the **Seniors Legal and Support Service** at Caxton Legal Centre. The service is funded by the state government. It offers free, confidential legal and social work services to older people to help them deal with harm or neglect by trusted family members or friends.

### HOW TO GET FREE HELP — STEP BY STEP

Abuse can be financial, verbal, emotional, physical or a combination of these. It is often hard to talk about these problems, and it is common to feel shame about what is happening. If you are worried or fearful and want to know about your options to improve your situation, you can call the statewide helpline on 1300 651 192 and ask for help.

## A COMMON STORY

### John is losing control of his decisions

John is 79 and lives in a home he owns. His wife died three years ago. John made a legal document 10 years ago, making his daughter Maria his only decision maker. John finds it hard to do some jobs around the house. He is also becoming a bit forgetful. John has often loaned money to Maria because she has had a hard life and helped John and his wife with household chores from time to time. Maria is their only daughter. She has never paid back any loans. She gives some of the money to her two children. Maria has taken over his banking and bill payments. He fights with her

constantly because she wants him to stop driving and go into a nursing home. John worries about his house, his money and about Maria. He feels lonely and concerned about leaving Maria a decent inheritance.

### JOHN'S RIGHTS

John has the right to:

- feel supported to stay at home for as long as he can and wants to
- drive his car provided he has a valid medical certificate from his doctor (needed from 75 years)
- make his own decisions about his money, health and lifestyle that he has capacity to make

- ask his doctor to refer him to a specialist to assess his capacity for the decisions that need to be made
- be supported to make decisions he struggles with and for his preferences to be respected
- change his legal document (power of attorney) if he has capacity to do so
- a free assessment by My Aged Care for services that may help him stay at home
- set boundaries around how his money and assets are used within the family.

## HOW TO MAINTAIN CONTROL OVER DECISIONS

As an adult, you have the right to make your own decisions, such as where you live and how you manage your money, even if you have a disability or age-related illness. You can choose from a range of supports and legal options to maintain decision-making independence.

<h3>Practical Steps</h3> <p>how our free social worker can help</p>	<h3>Legal Steps</h3> <p>how our free lawyer can help</p>
Have family counselling and/or mediation.	Speak confidentially with a lawyer about your rights to control your money and assets and to recover unpaid loans. Choose someone to make decisions for you when you can't (substitute decision maker).
Ask your doctor for a referral to a specialist (geriatrician) to assess your capacity for the decisions that need to be made.	Make, amend or revoke your legal document (enduring power of attorney) to be clearer about when and how decisions are to be made for you.
Speak with the GP (alone) or trusted family, friends or community leaders to gain emotional support.	Tell the person making decisions for you about your rights to receive information and documents, and to have your preferences considered.
Keep in contact with your usual friends, neighbours and interest groups to avoid becoming isolated and bored.	Apply to the Queensland Civil and Administrative Tribunal for a declaration of capacity if someone is wrongfully saying that you do not have capacity for particular decisions.
Talk with an advocate at one of the services mentioned in the 'Where to get free help' section who can support you assert your decision-making rights.	Privately review your will with a lawyer.
Obtain a My Aged Care assessment to receive support services and/or home modifications that increase independence with transport and domestic chores.	Consider whether you want to cancel any Centrelink nominations or banking authorities for family or friends.
Arrange direct debits for bills.	Complete advanced care planning documents such as an Advanced Health Directive and/or Statement of Choices.



# WHERE TO GET FREE HELP

## SENIORS LEGAL AND SUPPORT SERVICE

at Caxton Legal Centre for legal advice and social work support and advocacy

Tel: (07) 3187 7187 or 1800 954 494

## ELDER ABUSE HELPLINE

Tel: 1300 651 192

## ADA AUSTRALIA

for help to speak up for your decision-making rights or your concerns with aged-care services

Tel: 1800 818 338 or 3637 6000

## COMPASS

the national website on recognising elder abuse and how to get help

[www.compass.info](http://www.compass.info)

## DIVERSICARE

for help with quality in-home care services for culturally and linguistically diverse people

Tel: 1300 348 377

## FINANCIAL COUNSELLORS

for help with common debt problems

Tel: 1800 007 007

## POLICE LINK

Tel: 13 14 44 or 000 for emergencies

## PUBLIC TRUSTEE OF QUEENSLAND

for drafting of free wills and EPAs (for a fee)

Tel: 1300 360 044

## TELEPHONE INTERPRETING SERVICE

Tel: 13 14 50

## OFFICE OF THE PUBLIC GUARDIAN

for allegations of abuse against an adult who has impaired decision-making capacity

Tel: 1300 653 187

## QUEENSLAND ADVOCACY INCORPORATED

for legal advocacy for people with disability

Tel: 1300 130 582

## QUEENSLAND LAW SOCIETY

for contact details for private lawyers

Tel: 1300 367 757

## SENIORS ENQUIRY LINE

when you are not sure where to go with a question or problem

Tel: 1300 135 500

Caxton Legal Centre Inc.

© Copyright Caxton Legal Centre Inc.

1 Manning Street

South Brisbane Qld 4101

Telephone: (07) 3187 7187 or 1800 954 494

Facsimile: (07) 3846 7483

Internet: [www.caxton.org.au](http://www.caxton.org.au)

This information is current at September 2021.



## Disclaimer

This factsheet is intended to give general advice only and should not be used as a substitute for legal advice. While every effort has been made to ensure the accuracy at the time of writing, the law is complex and constantly changing.

No responsibility is accepted for any loss, damage or injury, financial or otherwise, suffered by any person acting or relying on information contained in or omitted from this publication.

