



RESPECTING SENIORS NETWORK

FRANKSTON & MORNINGTON PENINSULA

Inheritance: Not an Entitlement Discussion Guide

How to talk about inheritance entitlement and elder abuse





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Acknowledgement of Country

The Respecting Seniors Network acknowledges and pays respect to the Bunurong/Boon Wurrung people, the Traditional Custodians of these lands and waters.

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To receive this document in another format, email Respecting Seniors Network coordinator <info@respectingseniornetwork.org.au>

Available at Inheritance: Not and Entitlement

<<https://respectingseniornetwork.org.au/prevention/inheritance-not-an-entitlement/>>

Who should use this guide?

We know it can be tricky to talk about issues such as death and money. But the more we know about elder abuse, the easier it is to talk about and take action to prevent it from happening.

This guide is for community and professional members of the **Respecting Seniors Network** and other people who are interested in generating discussion about elder abuse within their spheres of influence.

It will equip you with the knowledge of what elder abuse is and how to start a conversation. It includes guidance on how to dispel common myths and misconceptions about elder abuse, including the commonly experienced sense of entitlement to a future inheritance, or 'inheritance impatience'.

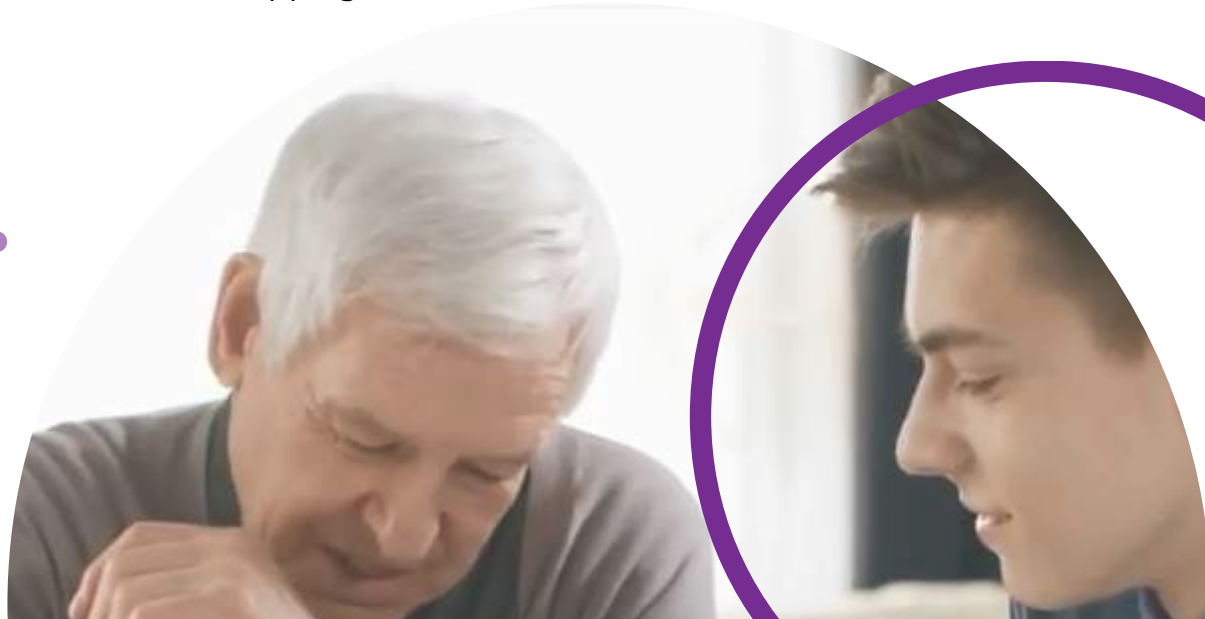
Who developed this guide?

The Frankston and Mornington Peninsula Respecting Seniors Network developed this guide. We want to thank all the organisations and community representatives of the Respecting Seniors Network who supported the development of this guide. Particularly, the Peninsula Community Legal Centre and Peninsula Health, who have led and financially sponsored the development of the **Inheritance: Not an Entitlement campaign** resources. We also acknowledge the Victorian Government's funding of the Respecting Seniors Network.

About the Respecting Seniors Network

The **Respecting Seniors Network** (the Network) is a group of individuals and organisations in the Frankston and Mornington Peninsula area that share a vision of a community which respects older people and recognises that people of all ages deserve to live free from violence in all its forms.

The Network works to change negative community attitudes towards older people; with the aim of stopping elder abuse before it occurs.



Important information

You do not need to be an expert or a lawyer to start a general conversation about inheritance impatience or elder abuse. However, it is not your role to provide legal or professional advice.

The information contained in this guide is intended to provide general information about elder abuse only. It should not be used to substitute for legal or professional advice.

How to use this guide?

This guide will:

- Introduce the concepts of **inheritance impatience** and **elder abuse** and why it is important to prevent them.
- Introduce seven common misconceptions about elder abuse and equip you with the facts about older people's rights.
- Guide you to generate public discussions about elder abuse and how to take action to prevent elder abuse from happening.
- Provide you with details of who to talk to if you or someone you know needs support.

What is elder abuse?

Elder abuse [1] is any act which causes harm to an older person. It is carried out by someone they know and trust. This may be a:

- son or daughter
- grandchild
- partner
- other family members, such as a daughter-in-law
- friend or neighbour
- carer (paid and unpaid).

Elder abuse can happen to anyone and take many forms. Often more than one type of abuse can occur. These include:

- physical
- emotional (or psychological) abuse
- neglect
- financial abuse
- social abuse
- sexual abuse.

[1] The information about elder abuse has been adapted from Seniors Rights Victoria Elder Abuse Toolkit © Seniors Rights Victoria, 2023.



What is inheritance impatience and why is it important to prevent it?

As a result of living richer and healthier lives, the inheritance that people plan to leave to their families is being delayed. Other factors can contribute to inheritance impatience such as the rising cost of living and economic insecurity.

Inheritance impatience [2] is when adults feel a sense of entitlement to an ageing relative's assets and assume it to be theirs before the relative dies. These impatient people are not prepared to wait until their relatives pass away. Instead, they seek ways for their relatives to 'gift' them money or interfere in the management of their parent's assets or finances to protect what they see as their entitlement. Examples include stealing money or transferring assets to themselves or another person.

Depending on the situation this can be considered **financial abuse**. Inheritance is not an entitlement. This type of financial abuse can happen to anyone, regardless of their financial situation.

What is financial abuse and why is it important to prevent it?

Financial abuse [3] is a type of elder abuse. It happens when a family member or a trusted friend, stranger, or carer takes or misuses an older person's money, assets, or property without their agreement.

It can happen to anyone and can occur in the early stages of an older person's life. Beyond financial loss, financial abuse often has serious impacts including increased stress and anxiety, limiting older persons' access to a safe home and medical care. It can also impact their ability to look after themselves.

[2] The information about inheritance impatience has been adapted from Safe & Savvy: A guide to help older people avoid abuse, scams and fraud ©Commonwealth Bank of Australia, November 2019.

[3] The information about financial abuse has been adapted from Safe & Savvy: A guide to help older people avoid abuse, scams and fraud ©Commonwealth Bank of Australia, November 2019.





Who is at greater risk of experiencing financial abuse?

Victoria's population is ageing. As our population ages, more people are at risk of financial abuse. However, the following older people are at greater risk:

- Women
- People with limited funds and limited access to legal advice
- People who are alone or isolated
- People who are reliant on others for their care
- People with disability (including physical, mental, intellectual, or sensory impairments)
- People with dementia
- Aboriginal and Torres Strait Islander people
- People from LGBTIQ+ communities
- People with a limited understanding of their rights and finances due to either language or cultural barriers
- People who have experienced other types of abuse in the past, such as family violence.

There are many different types of financial abuse ranging from minor incidents such as borrowing small amounts of money and not repaying it, to major incidents such as misusing power of attorney.

Regardless the impacts can be significant, and it is important to **stop elder abuse before it starts**.

How to talk about elder abuse?



Elder abuse and ageism are linked," Dr Kay Patterson, the Australian Human Rights Commission's Age Discrimination Commissioner, who launched the campaign said. "Ageist attitudes are often used to justify elder abuse, for example, adult daughters and sons who feel they have a right to their parent's money or assets.



The **Inheritance: Not an Entitlement** campaign has produced seven short films as well as downloadable digital advertisements and posters to help you spread the word and start general conversations about elder abuse and older people's rights.

Here are the **facts** from each of the seven videos so you can take action to prevent elder abuse and challenge the idea of inheritance impatience.

Video/Fact 1 – Inheritance is not an entitlement

Family members often feel entitled to or impatient to access their future inheritance and can pressure older relatives to hand over their house, money, or assets before they die. However, inheritance is not an entitlement.

Inheritance impatience is a form of financial elder abuse. It is an increasing problem in Australia.

It is important to let older people know that family members are only legally entitled to property that they might inherit after their older relatives dies, not before.

Video/Fact 2 – You are still in control, even if you have signed a power of attorney

Powers of attorney are legal documents that allow you to choose who will make decisions about financial and personal matters if you are not able to make these decisions yourself. It is often thought that once a power of attorney is signed it cannot be withdrawn – this is not true.

If a person has legal decision-making capacity and understands the implications of what they have signed, they can cancel a power of attorney at any time. Even if a person does not have this capacity, and their attorney is not making decisions in line with the person's wishes and wellbeing, steps can be taken to address this.

It is important to let older people know that if they are having issues with their power of attorney they can get help from a lawyer or organisations such as the Office of the Public Advocate.

Video/Fact 3 – Even if it 'only' involves small sums, financial abuse is financial abuse

It is often thought that if someone is on a pension and has very little money, taking advantage of them financially is not serious.

Financial abuse of older people who have limited income or dwindling assets is not a minor issue. Older people with limited income are in a more vulnerable position when it comes to financial abuse. What can seem comparatively minor in financial terms can have a disproportionately large impact. It can leave the older person homeless or unable to afford basic needs such as food or medicine.

Video/Fact 4 – Trusted people are more likely to misuse older people's assets, even those who are financially capable

Financial abuse can impact all older people. Older people who are independent and well educated about financial matters can still experience financial abuse.

Financial elder abuse often takes place within relationships of trust by the people that the older person would least expect to take advantage of them or be abusive. The fact that an older person is financially capable and independent does not necessarily provide them with a defence against financial abuse by someone close to them.

Video/Fact 5 – Elder abuse is much more than physical abuse

It is commonly assumed that elder abuse is physical, but the most common forms of abuse are rarely noticed just by looking at someone. Financial exploitation and emotional abuse are the most frequent forms of elder abuse.

It is important to explore older people's legal and financial relationships, otherwise, the abuse may remain hidden. If someone you know may be experiencing elder abuse, let them know that support is available and direct them to the right support by using the information at the end of this guide.

Video/Fact 6 – Carers do not have the right to access the finances of the person they care for

There is no excuse to access an older person's finances without their knowledge or consent.

Caring is an important and sometimes challenging role to play in an older person's life. Sometimes it can result in the carer being unable to work, earn an adequate income or have time for themselves. However, carers cannot demand payment for their time, or spend any of the older person's funds for unagreed goods or purposes.

Video/Fact 7 – Elder abuse occurs most frequently at home behind closed doors

It is commonly thought that elder abuse primarily takes place in aged care facilities. While this does occur, elder abuse happens most frequently at home and occurs in every community.

It is mostly trusted family members - adult sons and daughters - who do this. Carers, friends, and other people who the older person is dependent upon can also take advantage when there is an imbalance of power. Abuse is often hidden and cloaked in a shroud of secrecy and shame that can make it hard to detect. Older people can feel worried about becoming more isolated if they disclose the abuse.

It is important to talk about and recognise the signs of elder abuse and ask older people if they are okay.

How to take action to prevent elder abuse?

Everybody has a role to play in taking action to prevent elder abuse. You do not need to be an expert in elder abuse prevention or have legal or counselling skills to be involved in community awareness raising events or activities. Your role is to seek out opportunities to spread the word and share the facts about elder abuse.

The **Inheritance: Not an Entitlement** campaign is a **primary prevention initiative** that aims to stop elder abuse before it occurs. Primary prevention addresses the root cause of elder abuse, including ageism. Primary prevention initiatives take place in settings (places) where people live, work, learn and socialise. For example, schools, universities, TAFEs, workplaces, sports and social clubs etc.

They are most effective when powered by individuals or community groups such as the Respecting Seniors Network who provide access to resources such as the **Inheritance: Not an Entitlement** campaign which empowers people like you to act.

To maximise your impact and to support you to identify opportunities to act, Table 1 provides some examples of settings and activities where you could use the campaign resources to spread the word and start conversations about elder abuse prevention.

Table 1. Examples of places and activities where you can use the resources.

Place	Activity	How to use the resources
Community clubs and networks where older people meet. Sport and recreational clubs, neighbourhood houses and community centres, senior citizen's clubs, service clubs, such as Zonta, RSL, Probus, Rotary, U3A, Men's Shed etc.	• Guest speakers at meetings • Information sessions at community events • Use of community notice boards for posters.	• Download campaign resources and share the short films at community events to start a conversation. • Use the facts to raise awareness about elder abuse and support for older people. • Download and distribute posters.
Aged care settings Retirement communities and aged care facilities.	• Guest speakers at meetings or social events • Use of community notice boards for posters.	• Download campaign resources and share the short films at community events to start a conversation. • Download and distribute posters.

How to take action to prevent elder abuse?

Table 1. Examples of settings and activities where you can use the resources.

Place	Activity	How to use the resources
Education settings and other organisations for young people Schools and alternative education settings, such as Headspace and Youth hubs. Places where young people and their families and carers connect across the community.	• Use the campaign resources in your whole-of-school approach to primary prevention to talk to young people about intergenerational issues such as inheritance impatience. • Information sessions for teachers, parents, youth workers on intergenerational issues such as inheritance impatience.	• Download campaign resources and share the <u>short films</u> at community events to start a conversation. • Use the facts to raise awareness about elder abuse and support for older people.
Workplaces and professional organisations of relevance to older people Local Government (positive Ageing, Libraries, Seniors Clubs, Volunteers, Aged Care Workers etc.), legal and financial entities.	• Use the campaign resources in your whole-of-organisation approach to primary prevention. • Information sessions for local government workers, community lawyers and others who work in community development or care context.	• Download campaign resources and share the <u>short films</u> at community events to start a conversation • Use the facts to raise awareness about elder abuse and support for older people.
Community venues and local business General practitioners (GPs), pharmacies, libraries, opportunity shops, coffee stores and plant nurseries etc.	• Distribute posters and encourage them to be shared on community notice boards.	• Download and distribute posters.
Online / digital media Social media is a great way to connect, advocate and spread the word.	• Develop your own campaign to promote key messages through a range of platforms to your target audience.	• Download digital advertisements, key messages and links to relevant websites and resources. • Use the campaign hashtags to spread the word #InheritanceNotAnEntitlement #RespectSeniors

Questions to help start a conversation

The following questions are designed to promote discussion about the Inheritance: Not an Entitlement campaign and short films.

“They’re going to get the money in my will anyway – I suppose they might as well have it now.”

Ask:

- What do you think inheritance impatience is all about?
- Can you provide examples based on the short films?

Examples/prompts:

- A son or daughter feels that their parents’ money is going to be theirs someday, and wishes that day would come around sooner, rather than later.
- A son or daughter believes that their parents should help them get into the property market or the increasing cost of living, as they’ve been helping them as they age and are entitled to repayment.
- A son or daughter feels that their ageing parents don’t need all of their money and that they should give it away as a gift to their children.

“I’ve signed a power of attorney. Now they have control and there is nothing I can do now.”

Ask:

- Do you think these beliefs and feelings are common? Have you come across these beliefs in your family, friendships, and the wider community?
- Do you know where you can direct someone who is having issues with their power of attorney? For example, either a lawyer or the Office of the Public Advocate.

“My dad’s on a pension and has very little money. If someone takes advantage of them financially – it can’t be a big deal.”

Ask:

- Do you think these beliefs and feelings are common? Have you come across these beliefs in your family, friendships, and the wider community?
- How would you feel if you have lost control over your life due to financial abuse?
- Can you think of other examples of how an older person on a pension may experience additional challenges or barriers to accessing support or help?

Examples/prompts:

- Losing control of your finances can mean it might be difficult to afford basic needs such as heating, food, or medicine.

Questions to help start a conversation

“Although elder abuse occurs in nursing homes, it happens most frequently at home behind closed doors.”

Ask:

- What type of elder abuse do you think can happen when an older person is living in their own home or residential aged care facilities?

Examples/prompts:

- physical
- emotional (or psychological) abuse
- neglect
- financial abuse
- social abuse
- sexual abuse.

Ask:

- Can you think of who an older person might be at risk from experiencing elder abuse?

Examples/prompts:

- son or daughter
- grandchild
- partner
- other family members, such as a daughter-in-law
- friend or neighbour
- carer (paid and unpaid).

Ask:

- Do you know where you can go for more information and support if someone you know is experiencing elder abuse?

Examples/prompts:

- Direct them to more information and support in this guide.



Questions to help start a conversation

You can use the following scenarios to explore the myths, misconceptions, and facts about elder abuse and inheritance impatience.

“ I care for my dad. It's only right that I have access to his finances. ”

Scenario 1 - Eric and Madison

78-year-old widower Eric lives in Rosebud by himself. Since his wife died two years ago Eric's health has been declining. Recently his GP took away his driver's licence.

Since then, his daughter Madison has been helping Eric with his groceries. Madison also has full access to her dad's bank accounts to help him pay his bills.

As Madison is caring for her dad, she has been using his money to pay her bills and buy her groceries.

She also dipped into her dad's savings to help her son pay off his HELP debt. She told her dad that this is a gift to his grandson.

Ask

- Do you think that Madison's behaviour has crossed the line from being ok to harmful?
- Why do you think Madison believes it's ok to access her dad's finances without his knowledge or consent?
- Have you come across these beliefs in your family, friendships, and the wider community?

Scenario 2 - Beverley and John

Beverley has recently turned 66 and is thinking about retirement. Her son John is a lawyer and is encouraging his mum to sell the family home and downsize.

He also suggested that she splits the money from the sale between him and his brother and sister – it's their inheritance anyway.

Beverley doesn't want to sell and doesn't know who to speak to about her options.

Ask

- Do you think that John's behaviour has crossed the line from being ok to harmful?
- Why do you think John believes it's ok to pressure his mum into selling her house?
- Have you come across these beliefs in your family, friendships, and the wider community?

Top tips to start a conversation

Important things to keep in mind when talking about preventing elder abuse:

- Know the myths, misconceptions, and facts about elder abuse so the messaging is clear, consistent, and concise.
- Know where to source information and refer people to legal, financial, health or other relevant professional support if required.
- Be aware of the different ways that elder abuse can present and the secrecy and shame that often surrounds people's experiences of abuse.
- Encourage people to start conversations about elder abuse – even when these conversations might be difficult.
- Remember that the issue of elder abuse is relevant to people of all ages and that everyone deserves to be treated with respect.
- Remember you do not need to be an expert to start a conversation about elder abuse. If you don't know the answer to a question direct people to key support services and agencies for more information.



Where can you go for more information and support?

The subject of elder abuse is complex and finding the right information and support can be a challenge. Help is available if you or someone you know might be experiencing or at risk of elder abuse. This section provides you with the contact details for key support organisations and key resources, such as the Inheritance: not an entitlement campaign resources and the Respecting Seniors Network Disclosure Guideline. These protocols have been developed to support members to respond to disclosures of elder abuse, whilst undertaking Network activities. Members are directed to follow the disclosure protocol. People who are interested in generating discussion are also encouraged to follow the protocols.

Key support services

Organisation	Service	Contact
Peninsula Community Legal Centre	Free legal services serving the Frankston and Mornington Peninsula communities.	P: 03 9783 3600 W: pclc.org.au
Office of the Public Advocate	For information or assistance regarding Enduring Powers of Attorney, Guardianship or Administration matters.	P: 1300 309 337 W: publicadvocate.vic.gov.au
Seniors Rights Victoria	Information, support, advice, and education to help prevent elder abuse.	P: 1300 368 821 W: seniorsrights.org.au
Elder Rights Advocacy	For information and advocacy about any aged care concerns.	P: 1800 700 600 W: era.asn.au
1800RESPECT	For 24-hour phone support in relation to family violence (including elder abuse) or sexual assault.	P: 1800 737 732
13YARN	A culturally safe space to yarn without judgement about your needs, worries or concerns.	P: 13 92 76 (24 hours a day, 7 days a week)

General family violence services

Organisation	Service	Contact
The Orange Door	Free family violence service, and you don't need a referral. The Orange Door is open across Victoria.	P: 1800 319 353
Safe Steps	For women and children who are victims of family violence.	P: 1800 015 188 (24 hours a day, 7 days a week)
Victims of Crime Helpline	For adult male victims of family violence and victims of violent crime.	P: 1800 819 817 (8am to 11pm, 7 days a week)



Key resources and information

Inheritance: Not an Entitlement

Respecting Seniors Network Inheritance: Not an Entitlement campaign resources.

Disclosure protocol

Respecting Seniors Network Disclosure Protocol.

Safe and Savvy

This guide offers useful information to older bank customers and their loved ones to be safe and savvy when managing their money.

Framing Age

Message guide contains tips that will help you talk about age, ageing and issues that affect older people in ways that reduce ageist attitudes and behaviours.

Ethnic Communities Council of Victoria

Bilingual education kit in a range of languages & short film 'Within My Walls'.

Elder Rights Advocacy

Elder Rights Advocacy provides information and advocacy regarding elder abuse occurring within aged care services (residential and home care).

Safe+Equal Supporting older people

Information, help and advice about elder abuse and other forms of family violence.

Your Voice – Trust Your Choice

Tips for seniors making enduring powers of attorney from Your Voice – Trust Your Choice.

Safeguarding the End of the Rainbow

A guide to support LGBTIQ+ people planning for the future.

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www.respectingseniorsnetwork.org.au