



Financial Abuse: Planning, Protecting and Preventing

Presented by:

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Public Trustee
of Manitoba

What is Financial Abuse?



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Examples of Financial Abuse

- Undue influence
- Intermingling of funds
- Chronic dependency
- Bullying



Who are the victims?

- Competent but vulnerable adults
- Vulnerable persons living with a mental disability
- Adults suffering from mental illness leaving them incompetent or vulnerable
- Older adults suffering from cognitive impairment



Who are the abusers?

- Spouses
- Adult children
- Other family members
- Friends or neighbours
- People in positions of authority



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What to look for if you suspect financial abuse

- Complaints by vulnerable adult of other family members
- Family members or others appear to be controlling and/or financially dependent
- Vulnerable adult seems to be without money, when money should be available
- Suspicious activities by care providers, family etc.

What to look for if you suspect financial abuse continued

- Client appears fearful when money is talked about
- Client appears confused and forgetful about financial transactions
- Rapid and uncharacteristic depletion of assets
- Bills are not being paid and/or needs are not being met

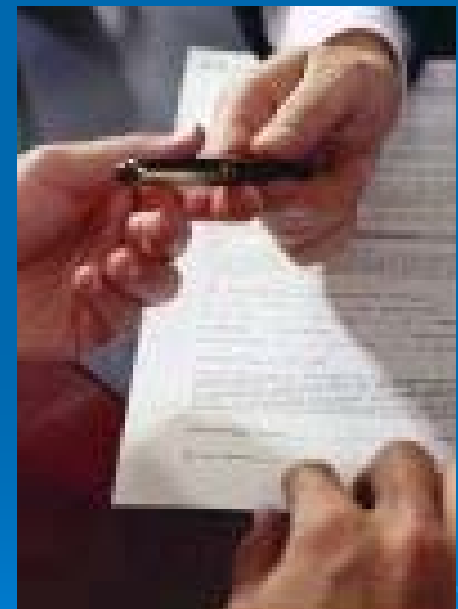
What to do if you suspect financial abuse

- Speak to the vulnerable adult
- Speak to the suspected abuser
- Notify other known family members
- Call appropriate community agencies:
Seniors and Healthy Aging Directorate
Seniors Abuse Line **945-1884** or **1-888-896-7183**
- In appropriate cases, call police

How to plan for prevention

Planning is important:

- Before abuse becomes an issue; and
- While the person is mentally capable of planning



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Tools for prevention of financial abuse

- Keeping active and involved in the community
- Keeping in contact with trusted family members and friends
- Discussing planning tools with trusted professional advisors

Capacity



Capacity

- What does it mean?
- Who decides?
- Why is it relevant?

Capacity: What does it mean?

- Task specific
- Level of understanding necessary varies with the complexity of the financial transaction or other task

Different tests of capacity for different activities

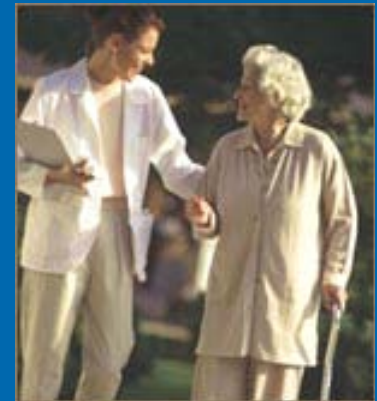
- Drawing a will
- Consenting to medical treatment
- Executing a Power of Attorney

Capacity to enter into a contract

- A contract is voidable (may be set aside) if one party was incapable of understanding the terms and consequences of the contract and the party knew, or ought to have known, of the incapacity

Capacity: Who makes determinations about capacity?

- Physicians – formal assessments of capacity



- Legal counsel – assess capacity for certain tasks

- Service providers to the elderly – identify when issues of capacity exist



Capacity: Why is it relevant?

- Capacity is the starting point for investigations into financial abuse
- Poor decision-making vs. someone who no longer has capacity to make decisions



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