

Keeping eyes peeled on bank of Mum

Financial elder abuse



Sarah Russell

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Submission to Royal Commission into family violence

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Submission to Royal Commission on Family Violence

A personal story of financial elder abuse

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1 Introduction

This submission provides a first hand account of family violence. It describes the financial abuse of my mother. It also describes my efforts to prevent this abuse, and how only one sibling supported me.

Financial elder abuse involves taking or misusing an older person's money, property or assets. Studies confirm that financial abuse is the most common, and fastest-growing, type of abuse of older people. The most vulnerable include older people with diminished capacity due to dementia and depression, and older people who rely on others to manage their finances.

There is little reliable data on the extent of financial elder abuse. State Trustees Victoria found that women over the age of 80 are most at risk of financial elder abuse (King et al., 2011). They found that adult sons were the most common perpetrators of financial elder abuse.

Some children assume that an older woman, particularly a woman who has not been the family's breadwinner, is unable to manage her own finances after her husband dies. These children encourage their mother to appoint a financial power of attorney, often a son. In some cases, the mother is declared legally incapable and an enduring power of attorney, both financial and medical, is appointed.

There are no definitive, scientific tests for assessing whether a person meets a particular capacity standard. GPs often make the assessment of legal capacity. However, it is best practice for the GP to provide a referral to an appropriate specialist for an assessment of capacity.

According to the Office of the Public Advocate (2011), older women are more likely to be declared legally incapable than older men. Once an older woman has been declared legally incapable, some adult children may feel a sense of entitlement to their mothers' assets though their mother is alive and well. However, declaring an older woman (or man) legally incapable does not give her children any entitlement to her assets while she is alive.

Financial elder abuse may begin with the best intentions - with a child acting as their mother's financial power of attorney thereby managing her finances. This can quickly progress to a sense of entitlement, particularly when adult children have mortgages or debts.

In some families, children are not willing to wait for their inheritance until after their mother dies. They assume what was once 'Mum and Dad's money' is now their money, not their mothers' money. They actively seek ways for their mothers to 'gift' them money. The children may justify their actions by saying: "Mum doesn't need money now, and it's going to be mine anyway."

Some children keep a close eye on their mother's assets to protect what they see as their entitlement. They may curtail their mother's expenses, such as money she spends on outings, hairdressers, holidays, birthday parties and carers. Limiting the amount a mother spends of her own money may constitute financial elder abuse.

2 A personal story of financial elder abuse

This personal story of financial elder abuse is an anonymous submission because I do not want to embarrass my mother. My mother recently celebrated her 91st birthday. She is physically frail and lives in an aged care facility. This story will be made public after my mother dies.

2.1 My family

This section provides personal information about my family. I have included this section to provide the Commission with a social and economic context for the financial abuse.

In my family, the financial abuse began soon after my father died. My father was a successful businessman; my mother a gregarious, popular and generous homemaker. They were married for 64 years. When Dad died in 2012, at the age of 91, he left mum a substantial sum of money, two properties (including a beach house) and other investments (e.g. shares).

Mum and Dad had five children – four boys and a girl. I am the youngest. My two eldest brothers are both medical doctors – Brother 1, 66 years old, is a surgeon (retired), Brother 2, 64 years old, is a physician. Brother 3, 59 years old, is a corporate lawyer (retired). Brother 4, 55 years old, worked with my father as a business manager. He recently retrained as a primary school teacher.

My brothers and I had a privileged upbringing. We were educated at elite private schools. After school, we all went to university.

After my father's death, I stopped working full time. I spend as much time as possible with my mother. Brother 1 told me "Caring for elderly people is women's work".

2.1 Main points

1. A privileged upbringing may contribute to a sense of entitlement.
2. It is sexist to suggest caring work is "women's work".

2.2 Declaring Mum legally incapable

The process of having Mum declared legally incapable was straightforward. A few days after my father's death, a brother asked his colleague, Mum's GP, to declare my then 88-year-old mother legally incapable. The GP did not refer Mum to a specialist for a neurological or mental health assessment. He completed the required paperwork himself.

I disagreed with the GP and my brothers' opinion that Mum was legally incapable. Although Mum was depressed after the death of her husband, she was still capable of making legal, medical, financial and personal decisions.

I reminded my brothers that Dad was not declared legally incapable despite his significant cognitive decline towards the end of his life. When Dad's cognitive abilities declined, Brother 4 assisted Dad to manage his financial affairs. This was done respectfully so that Dad felt empowered and retained his dignity. I wanted Mum to feel similarly empowered to make her own financial decisions.

I took Mum to see a grief counsellor. After several sessions with the grief counsellor, Mum remained depressed. I then took Mum to see a psychogeriatrician. His diagnosis was 'Major Depressive Disorder' and 'Mild Cognitive Impairment'. He prescribed an antidepressant that improved Mum's mood and memory loss.

2.2 Main points:

1. There should be a period of time after a spouse's death before a widow or widower can be declared legally incapable.
2. A rigorous assessment of an older person's cognitive status and mental health should be undertaken before an older person is declared legally incapable.
3. If an older person is depressed, the depression should be treated before their legal capacity is assessed.
4. Psychogeriatricians and neuropsychologists are better qualified than GPs to competently assess a patient's legal capacity.

2.3 Appointing a financial power of attorney

After Mum was declared legally incapable, Brother 4 became Mum's financial power of attorney. As Mum's financial power of attorney, Brother 4 is required to act in Mum's best interest. On several occasions, however, Brother 4 acted in his and his siblings' interests. He actively sought ways for Mum to give money to her children, tried to curtail her expenses and refused to pay some of her accounts.

2.3 Main points

1. Financial powers of attorney require education and guidelines.
2. Older people's financial power of attorneys should focus on the older person's interest rather than their or others' interest.

2.4 Mum's financial independence

Mum has no purchasing power in her daily life because Brother 4 refuses to give her any cash. Brother 4 is concerned cash will be stolen from Mum's handbag at the aged care facility. Brother 4 asked management of the aged care facility to manage Mum's petty cash, but they are unable to manage residents' money.

Without any cash, Mum is unable to:

- Purchase items such as shoes and clothes when 'pop up stalls' come to the aged care facility.
- Make independent decisions about accessing services at the aged care facility (e.g. hairdressing).
- Participate in excursions with other residents such as bus trips to a café.

Mum is often embarrassed that she has no money, particularly when going out for lunch and coffee with friends, her carers or me. She often asks why she does not have a purse or credit card.

Given Mum's financial power of attorney refuses to give Mum cash, I put cash in Mum's purse. At no stage has this cash gone missing.

2.4 Main points

1. Having access to spending money empowers older people to make choices about their social life and to continue to enjoy it.
2. Elderly people without purchasing power are disempowered.
3. Assessment of risk should be balanced with an elderly person's self respect and dignity.

2.5 Mum gifting money to her children

On 27th July 2013, Brother 4 sent his four siblings an email to inform us that Mum "has over \$1 million in a term deposit". Brother 4 asked his siblings to consider "Mum gifting some of this money to her children in the near future".

Brother 4 was in favour of Mum giving money to her children. "Mum having large reserves of money does not necessarily improve Mum's quality of life and the money generates income that can mean higher taxes and accommodation fees [in the aged care facility]. On the other hand, if part of this money was gifted to the ultimate beneficiaries to Mum's will (us), depending on the beneficiaries personal circumstances, this money could reduce loans and thus after tax payments of interest on loans. In the long run Mum is no worse off, and the children are better off" (email, 11th August 2013).

I objected to the suggestion that Mum should give money to her children while she is alive and well. "It is my view that it is morally unjustifiable for middle aged people like us, who all have professional jobs with decent salaries, to rely on inherited money to help us manage our current finances. Of course all parents want to help children who are in trouble - and I would support Mum helping one of us if one of us was in financial trouble. But I cannot fathom why middle-aged people expect Mum to help them out with loans that they chose to take out to support their lifestyle" (email, 15th August 2013).

I asked Brother 4 whether he had discussed with Mum the idea of 'gifting' her children money. He replied: "Mum finds talking about financial matters stressful".

2.5 Main points

1. Older people should be consulted about any proposal to give away their money, even if the older person has been declared legally incapable.
2. Banks need to provide mechanisms to safeguard an older person's deposits, particularly those older people who have been declared legally incapable.

2.5.1 Family meeting to discuss Mum gifting money to her children

Brother 4 arranged a family meeting to discuss the proposal that Mum give her children money from her fixed term deposit. After my brothers had confirmed a date/time, Brother 4 emailed to say: "I am happy to meet at my house - I am also happy to cook roast lamb if you want to stay for dinner - probably two legs of lamb as Mum often had to cook!!" (email, 14th August 2013). It became apparent to me that no arrangements had been made for Mum to attend the family meeting.

I sent an email to remind my brothers that Mum should attend a meeting to discuss the proposal to give money to her children. "It would perhaps be easier for mum if the meeting to discuss her income and assets was held at [the aged care facility]" (email, 15th August 2013).

The meeting was relocated to the aged care facility so that Mum could attend. Brothers 1, 2 and 4 attended the meeting in person; Brother 3 and I attended via skype.

During the meeting, there was a long discussion about Mum giving her children some money. Brother 3 and I strongly objected. I presented a moral argument about why it was decent to wait for any inheritance until after a parent dies. Brother 3 offered a financial argument. He said that Mum might need the money. Mum did not speak. After a heated discussion among her children, Mum's financial power of attorney reluctantly agreed that Mum would not give her children money from her fixed term deposit.

2.5.1 Main points

1. According to the Office of Public Advocate, Council of The Ageing (COTA) and Senior Rights Victoria, the interests of an older person should be represented at all family meetings.
2. Older people should attend family meetings themselves or an independent advocate whose sole responsibility is to act in their best interest should attend on their behalf.

2.5.1.1 Mum's reaction to family meeting

During the meeting to discuss giving her children money, Mum appeared frightened and worried. The heated discussion about Mum giving her children money made her feel financially insecure. The differing views of her children also confused her.

After the meeting, Mum told staff and residents at the aged care facility: "My sons have asked me to sign something to give away my money". In addition, staff overheard Brother 2 discussing Mum's will outside the lift.

Our family became the subject of gossip among staff, residents and relatives at the aged care facility. Brother 1 blamed me for this gossip, even though I had not attended the meeting in person. The gossip caused Mum further distress.

2.5.2.1 Main points

1. Financial power of attorneys should not act in ways that cause an older person distress.
2. Financial power of attorneys should ensure that older people feel financially secure.
3. Older people are entitled to keep the content of their wills private.

2.6 Ongoing family meetings to discuss Mum's finances

After the initial meeting to discuss Mum giving her children money, Brother 1 organised regular family meetings. Neither Mum nor I have attended any of these subsequent meetings. I told my brothers that I would not attend any meeting to discuss mum's financial affairs without her or an advocate being present.

The primary objective of these family meetings is to discuss Mum's finances, particularly her "outgoings". Prior to each family meeting, Brother 1 sets an agenda for the meeting. In an email on 1st August 2013, I asked Brother 1 whether he had "ever asked dad to provide an update on our parents' finances prior to Dad's death". I also asked him "If the tables had been reversed, and mum had died before dad, do you think you would have asked dad for spreadsheets about his finances?"

2.6 Main points

1. Older people or an advocate should be present at all meetings in which their financial position is discussed.
2. The financial power of attorney should manage an older person's accounts privately with the assistance of an accountant.

2.7 Monitoring Mum's financial position

After Dad's death, Brother 1 asked Brother 4 to provide regular updates of Mum's "financial position" and her "outgoings". He said he was planning his own retirement, and needed to know his financial position. He had not requested regular spreadsheets when Dad was alive.

Brother 4 regularly emails spreadsheets to his siblings. These spreadsheets contain lists of Mum's financial inputs and outputs.

When I spoke with Brother 2's wife about the monitoring of Mum's finances, she told me: "Your brothers are worried about their inheritance. What's wrong with that?" (email, 12th March 2014).

2.7 Main points

1. Children are not entitled to receive regular updates about their parents' expenses.
2. An accountant should monitor an elderly person's financial position.
3. Information about an older person's expenses is private and should not be shared with all family members unless the older person requests it to be shared.

2.8 Proposal to sell Mum's beach house

Soon after Dad's death, my four brothers indicated their intention to sell their share of the family beach house after Mum's death. I proposed that I would buy their shares. My brothers all agreed.

Mum is pleased that my brothers are all in agreement that I will own Mt Martha after she dies. She feels reassured knowing that I will own her beloved beach house after she dies.

At a family meeting on January 17th 2014, Brother 2 suggested that I buy the beach house now, *while Mum is alive*. He had not discussed this idea with Mum.

I discussed Brother 2's suggestion with Mum. She told me that she wants to remain the owner of her beach house and to continue to pay the expenses (gas, electricity, repairs etc). Mum reiterated that she wants me to own the beach house after she dies.

In August 2014, Brothers 1, 2 and 4 proposed that the agreement that I buy the beach house after Mum's death be rescinded. They suggested the beach house should be sold to the highest bidder. They do not want to honour Mum's wishes.

2.8 Main points

1. Older people should be consulted prior to the sale of their properties, even if the older person is declared legally incapable.
2. Older people's wishes about ownership of their property should be honoured.

2.9 Mum's access to her beach house

Brother 1 claims that Mum's holidays at *her* beach house are "too expensive". Brother 4 and his wife have also objected to Mum visiting her beach house. They do not want Mum to visit her beach house when they are using it.

The first conflict over Mum's access to her house occurred in 2013 after Mum said she wanted to stay at her beach house during Xmas-New Year period. Brother 4 and his wife replied that Mum could not use the house because their daughter had booked it. I insisted on Mum's right to use her beach house whenever she wants. Brother 4's wife emailed me to say she was "extremely disappointed" that her daughter's booking of the beach house "is not being honoured" (email, 30th November 2013).

Brother 1 emailed me: "Surely it can be organised that the day trips with Mum occur in January when it is unoccupied...[I am sure that Mum] would not want to cause any inconvenience so close to Christmas" (29th November 2013). I replied that Xmas is a special time of year, even for an elderly woman who lives in an aged care facility.

I reminded my siblings and their wives that it was Mum's beach house. Brother 1 sent me a series of abusive emails and texts, even after I requested no further correspondence about this issue.

There have been ongoing disputes about Mum's access to her beach house. Most recently, Brother 4's wife complained when Mum's booking clashed with hers. Rather than discuss her concerns with Mum or me, Brother 4's wife sent me an email with the subject heading "No respect for google booking" (28th January 2015). The body of the email was blank.

2.9 Main points

1. Older people are entitled to use their beach houses whenever they like.
2. It is a privilege, not an entitlement, to have access to a beach house.

2.10 Cost of Mum's 90th birthday party

I invited 100 people to attend Mum's 90th birthday party. Mum wanted to pay the costs of her party. These costs were modest. Brother 1, however, complained about the cost of Mum's party. He did not complain about the costs of Dad's 90th birthday party.

Everyone accepted the invitation to Mum's party except Brothers 1, 2 and 4, and their wives. Brother 1 sent me abusive texts because he mistakenly thought I had not invited his sons to speak at Mum's birthday party.

Brother 3 encouraged his brothers to attend their mother's 90th birthday party. Brothers 1 and 4 subsequently changed their minds and attended the party.

2.10 Main points

1. Older people can spend *their money* on whatever they like, irrespective of whether or not their children approve.

2.11 Concerns that Mum's expenses are excessive

Soon after Mum's 90th birthday party, Brother 1 called a special meeting with Brothers 2 and 4 and their wives to discuss Mum's finances. Brother 1 was concerned that Mum's outgoings had increased. He was concerned specifically about the costs incurred when Mum had holidays at her beach house.

Brothers 1, 2 and 4, and their wives, all agreed that Mum's expenses were "excessive". They wanted me to curtail Mum's expenses. They also expressed concern that I was "angling to have Mum declared legally capable so she could change her will".

Brother 3 was asked to get an assurance from me that Mum would not change her will. After speaking with me, Brother 3 wrote the following email to his siblings on 2nd August 2014.

I refer to my email to you dated 30 July in relation to the issues you have asked me to raise with Sarah.

Sarah and I have had several discussions in relation to these matters. We have discussed the substance of her proposed response. You already have the assurance you have sought in relation to Mum's will.

As I indicated in my earlier email, I had intended to reply after settling the letter with Sarah.

As you will see from the attached email, Sarah would prefer to reply directly to you. As she indicates, for the reasons set out in her email, this will probably not be before 13 August.

...Sarah refers to me being the messenger in these matters. Quite frankly, I do not like being put in the position of a messenger or mediator, but I have been prepared to do so in an attempt to help bring about agreement and hopefully to bring back some harmony to our family.

My intention on every issue that has arisen over the last several months has been to try to keep communication open and to achieve a result that is best for our mother. This includes the issues surrounding [Mum's beach house], Mum's birthday party and her Memoirs.

I have not agreed with my siblings on several of these matters because I think, on occasion, their proposals or behaviour have not been motivated by what is in Mum's best interest in this her twilight time.

On some occasions, some of you have not agreed with what I have proposed, but in every case my motivation has been to achieve the best outcome for our mother.

I risk fracturing relationships that are otherwise very healthy by taking on this role as messenger or mediator. This has recently occurred, to my great disappointment and sadness.

I am happy to have ongoing constructive discussions with all the family, including on the current issues, but I will not take part in any further destructive or aggressive correspondence or discussions with any member of the family.

Once Sarah has replied, I would be happy to discuss any outstanding matters with you.

2.11.1 Main points

1. Women of all ages should be entitled to speak for themselves.
2. To expect a man to speak on behalf of a woman is sexist.

2.11.1 My response to concerns about Mum's expenses

I considered carefully the complaints Brothers 1, 2 and 4 and their wives made about Mum's expenses. I also took seriously their allegation that I was "angling to have Mum declared legally capable so she could change her will". The following is a copy of the email I sent to my brothers on 9th August 2014.

[Brother 3] and I had a Skype video call on 30th July. [Brother 3] told me that you, [Brother 1] and [Brother 4], and [your wives], met together recently to discuss your concerns about Mum's financial position and the time that I currently spend with her.

As a result of this meeting, you asked [Brother 3] to speak to me about the following issues:

1. That I may be "angling to have Mum declared legally capable so she could change her will".
2. A new proposal for Mum's beach house
3. Concern that Mum's current expenses are excessive
4. The time I spend with Mum
5. Reducing the gift that I receive from Mum for the work I do as her primary carer from \$30,000 to \$10,000 per annum.

[Brother 2] also raised [Brother 1's] concerns about Mum's 90th Birthday Book [her memoir].

After careful consideration, I have outlined my response to each of these issues below. I also make the following comments.

I love our Mum, as all her children do. I have not worked full-time for the last two and a half years so that I could spend as much time with Mum as she needs. I love spending time with her. I want Mum's quality of life to be as good as it can be. I have made this my priority.

Mum has already lost her husband and most of her independence, and I want her to feel valued in her 'twilight years'. Our time together is precious for us both.

The current care at [the aged care facility] is satisfactory, however Mum is often bored, and she gets lonely and depressed without any company sitting in 'her chair'. She looks forward to my regular visits, our lunches and afternoon teas, our games and our outings. In particular, she loves our monthly trips to Mt Martha.

I believe it would not be in Mum's best interest if her current Financial Powers of Attorney made decisions that forced me to take on more paid work and spend less time with Mum, unless another sibling can make a similar commitment to care for Mum, including on-call availability.

My response to the issues that have been raised is:

1. I would oppose any attempt by Mum to change her current will.
2. The family's agreement that I will buy Mt Martha after Mum's death, as documented in [Brother 3's] email on 22nd January 2014, should be honoured.

3. Mum should have her own credit/debit card to pay for her own shopping and outings, and an EFT should be used to pay her carers directly from her bank account.
4. I currently spend around 10 hours per week at [aged care facility] and 5 days per month at Mt Martha. I am also on-call (e.g. recent lockdown).
5. If my payments were to be reduced to \$10,000 per annum, I could not afford to continue my current arrangements caring for Mum. The \$30,000 per annum already makes it very tight.

...I suggest that you discuss my response with [Brothers 1 and 4] and then we all meet to work out how best to progress these matters. I do not think it is appropriate for Mum's daughters-in-law to attend meetings pertaining to Mum's estate.

I will ask [Brother 3] to organise a time that suits us all. I will invite an experienced mediator and an advocate from Senior Rights Victoria to be present at this meeting.

Brothers 1, 2 and 4 initially agreed to "independent medication (sic)". Although mediation was my idea, Brother 2 took control of organising the mediation. In his email, Brother 2 did not mention how Mum's interests would be represented during the mediation.

I responded with an outline of what I thought needed to be discussed at mediation.

I am pleased that you and my other brothers have agreed to independent medication. I hope we all take kindness pills.

I requested mediation so that we could all negotiate what is in Mum's best interest regarding her lifestyle and ongoing care. The main issue that needs to be resolved at the meeting is the amount of money spent by, or on behalf of, our mother to give her maximum enjoyment and the best of care for the rest of her days.

It is my understanding that what was once 'Mum and Dad's money' is now 'Mum's money' and not 'our money' (i.e not her children's money). I assume we are all in agreement about this.

The Dispute Settlement Centre of Victoria (DSCV) is a free dispute resolution service funded by the Victorian Government. However if you prefer [Brother 3] to choose a mediator, I will of course pay my share of the costs. It is important for the mediator not have a personal relationship with anyone at the meeting, including [Brother 3].

Would you prefer Mum to attend the family meeting or an independent advocate whose sole responsibility is to act in Mum's best interest?

Mediation was initially delayed because Brothers 1 and 2 became unwell, then later cancelled because Brothers 1 and 2 were unwilling to attend.

2.12 Cost of Mum's carer

Brother 4 and his wife do not support Mum employing a carer to spend time with her. Brother 4's wife asked me "Why does [your mother] need a private carer when the aged care facility is paid to look after her".

I explained that a carer helps to keep Mum engaged in the late afternoon with outings, games, movies and conversation. This is particularly important after Mum's dinner, a time at the aged care facility when there are no leisure co-ordinators employed and rarely any visitors. The carer also helps to decrease Mum's 'sundowners' (i.e. her anxiety in the evening).

Although Mum has told her financial power of attorney that she enjoys having carers visit her, Brother 4 refuses to pay the carers. "I have rung and explained to her (the carer) that I have never met her, did not employ her, and I will not be settling her account" (3rd September 2014).

Brother 4 continues to refuse to pay Mum's carers. In May 2015, I suggested he and I meet to sort out a mutually convenient way to pay Mum's carers. He refused to meet me.

Brother 4 insists that I pay the carers. He later reimburses me.

2.12 Main points

1. Older people are entitled to employ carers without the cost of this care being questioned by their children and their partners.
2. Financial power of attorneys should pay all expenses in a timely manner.

3 Conclusion

My brothers' perspectives of power, entitlement and gender roles led them to financially abuse their mother. Their abusive behaviour is currently not a criminal offense. I believe it should be a criminal offense. The financial abuse of my mother is on a continuum of violence towards women.

Fifty years ago, intimate partner violence was a domestic, not public or criminal offense. Prior to 1980s, it was not possible for a man to be charged with, and prosecuted for, raping his wife. Similarly, in 2015, financial elder abuse is a private issue, often unreported and unacknowledged. For financial elder abuse to become a criminal offense, attitudes towards it need to change.

Currently, the opportunities for children to act inappropriately in regard to their parent's financial situation are enormous. In our family, it was easy for my mother to be declared legally incapable, thereby enabling her son, as her financial power of attorney, to take complete control of my mother's financial affairs. He had the power to give my siblings money from Mum's bank account, curtail her expenses and to refuse to pay her bills.

I am proud to have stood up Mum's right to spend her money as she chooses, to have the care she wants and to regularly visit her beach house, a place she has loved for over 80 years. I could not have made this stand against three brothers without the support of one brother.

There are currently no formal mechanisms to ensure that financial power of attorneys act in an older person's best interest. Legal mechanisms need to be implemented to ensure older people are not victims of financial elder abuse. Not every family has children who are prepared to advocate for their mother's rights.

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Appendix 1: Opinion Piece, The Age

The problem of parental plunder

Sarah Russell* and Philomena Horsley, 2nd December 2013

Australians are living longer and living richer than at any time. While some older people are enjoying their wealth - travelling the world, their luggage broadcasting that they are "spending their children's inheritance" - others live in aged care facilities, with their children keeping their eyes peeled on the "Bank of Mum and Dad".

As economic conditions worsen, this second group is at greater risk than ever of being financially abused. And research has found that adult children, particularly sons, are the most common perpetrators.

State Trustees Victoria has recorded a spike in the numbers of older Victorians who are financially abused as well as the amount of money involved. A research paper it commissioned, *For Love or Money: Intergenerational management of older Victorians' assets*, found that women over the age of 80 are most at risk of financial elder abuse, often by someone in a position of trust - their children.

Children with "early inheritance syndrome" feel a sense of entitlement to their parents' assets. They are not prepared to wait until their parents die. These impatient children seek ways for their parents to "gift" them money, or interfere in the management of their parents' assets to protect what they see as their entitlement.

Financial elder abuse involves taking or misusing an older person's money, property or assets. It also includes persuading an older person to change their will through deception or undue influence.

Financial elder abuse may begin with the best intentions - with an elderly parent asking a child to act as their power of attorney and thereby manage their finances. This can quickly progress to a sense of entitlement, particularly when adult children have mortgages or debts. They often justify their actions by saying: "Mum doesn't need money now, and it's going to be mine anyway."

Studies confirm that financial abuse is the most common, and fastest-growing, type of abuse of older people. The most vulnerable include those with diminished capacity due to dementia and depression, and older people who rely on others to manage their finances. However, there is little reliable data on its extent. It is often a silent crime - unreported, unacknowledged.

Earlier this year the banking industry tried to raise awareness of financial elder abuse by announcing initiatives to help prevent this silent crime. But like all silent crimes perpetrated mostly on women - domestic violence, sexual assault, bullying - financial abuse will be difficult to police.

Children with early inheritance syndrome often make ageist and sexist assumptions that devalue the rights of their elderly parents. A common one is that older people, particularly women who have not been the family's breadwinner, find discussions about financial issues complex and stressful. Not only is this patronising but also it disempowers older women. Another is that having a large amount of money does not improve an older person's quality of life. Most of us take comfort in the security of having savings. Why would older people be any different? The generation that experienced the Depression may take even more comfort from having a safety net than their children.

The third assumption is that a parent is no worse off after gifting money to their children. This is absurd. The less money they have, the less able they are to make decisions about how their money is spent.

Reducing an older person's income also reduces fees at an aged care facility - helpful for beneficiaries, but older people may appreciate the care they receive from staff at the facility. They may feel an aged care facility that provides daily care deserves their money more than children who visit infrequently with flowers and chocolates.

The final assumption is that an older person's current will is their final one. Most people change their wills throughout their lives as circumstances change. Why would older people be different? After spending several years in an aged care facility, parents may change their mind about who should receive their money. They may once have wanted their assets shared equally among their children. But later in life, when their children are financially secure, some older people may prefer to give money to Doctors without Borders, The Lost Dogs Home, or even a kind nurse at the aged care facility. This is surely their decision, not their children's.

As the vulnerability of older people increases, their dependence on family members also increases. Often they do not want to say "No" to their children's requests for money or asset transfers for fear of upsetting these relationships. Sadly, at a time when they most need their children's love and support, the love of money can trump a person's love for mum or dad.

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*I was not named as an author because I did not want to embarrass my family, particularly my mother and Brother 3.

Appendix 2: Opinion Piece, The Age

Elderly women deserve their age of respect

Sarah Russell* and Kathleen Brasher, 11th December 2014

Something remarkable is afoot. The Victorian Chief Commissioner of Police, Ken Lay, and the Chief of the Australian Army, Lieutenant General David Morrison, are talking publicly about male attitudes towards women. On the Victorian Police website, Ken Lay suggests that “our culture is filled with men who hold an indecent sense of entitlement towards women”.

Ken Lay and David Morrison are both middle-aged men in charge of organisations with masculine cultures. They are not your typical feminists. Although many men treat women respectfully, these men go one step further by viewing social issues through ‘gender goggles’. It is a giant step.

Gender goggles are illuminating. They bring into clear focus the fact that a person’s gender influences attitudes and behaviours towards them. Gender goggles highlight issues for women such as discrimination, human rights abuses, domestic violence, rape, glass ceilings, inadequate childcare, political underrepresentation, catcalling, bullying and financial disadvantage such as unfair pay and unequal superannuation.

Unlike rose coloured glasses and beer goggles that provide optimistic perceptions, gender goggles are not a frivolous fashion accessory. Ken Lay’s gender goggles enable him to see that some people perceive women as “less valuable than men”. This perception applies to women of all ages, including older women.

When gender goggles are applied to older women, particularly women who have not been the family’s breadwinner, they may show the humiliation of financial elder abuse. Studies confirm that financial abuse is the most common, and fastest-growing, type of abuse of older women.

Research shows that women over the age of 80 are most at risk of financial elder abuse. This research found that adult sons are the most common perpetrators. Some adult sons assume that money that was once ‘Mum and Dad’s money’ is now their money, even though their mothers are alive and well. They make assumptions that devalue the rights of their mothers.

There have been several high profile trust fund disputes in which sons have sued their mothers. A former pupil of a private boys school in Sydney sued his mother after the family estate was left to his mother rather than to him. This ‘old boy’ was castigated by Justice Michael Pembroke for having a “highly developed and unhealthy sense of entitlement”.

According to the Office of the Public Advocate, older women are more likely to be declared legally incapable than older men. This may be due to the fact that women live longer than men. It may also suggest that older men are revered whilst older women are infantilised. This was certainly the case in Julie's family.

Julie is a middle-aged woman with five older brothers. With unseemly haste, a few days after her father's death, a GP was asked to declare Julie's elderly mother legally incapable. That she was bewildered, grieving and in the first weeks of widowhood after 50 years of marriage did not seem to have been taken into account.

After Julie's mother was declared legally incapable, the youngest son became her financial power of attorney. Tony's job was to manage his mother's estate in her best interest. Determining what was in his mother's best interest was contested. Was it in their mother's best interest to keep money in the bank and continue to pay tax? Or should the children receive an early inheritance? Questions such as these divided Julie's siblings.

The eldest son, Christopher, organised frequent financial family planning meetings. Christopher was planning his own retirement and unashamedly cast his eyes towards the Bank of Mum rather than towards his own financial planning. Julie questioned why these meetings were not convened prior to her father's death, particularly when their father's cognitive status was diminishing. Her question fell on deaf ears.

Tony prepared a financial spreadsheet describing 'Mum's assets', sharing this spreadsheet amongst his siblings. Would a financial spreadsheet with "Dad's assets" have been shared in the same way if their mother had died first? Of course not.

Then came the zinger. Julie was told that her mother's monthly expenses were excessive. Julie's sister-in-law explained to her: "Your brothers are worried about their inheritance. What's wrong with that?" Gob-smacking stuff.

Julie went into full feminist flight to show her brothers, their wives and anyone else who would listen exactly what was wrong. She defended her mother's right to spend her own money. Julie argued that their father would have wanted his wife to have as much lemon squash, cheddar cheese, milk chocolate and shortbread biscuits as she wants.

Two brothers supported her; the other three bunkered down, ensconced in their men's club with others who share their views. These brothers refused to engage with Julie. They simply dismissed Julie's views as offensive, describing her as mad and bad, as powerful men often do.

Julie's gender goggles gave her clarity. On every issue, she asked her brothers a simple question: "Would you have treated our father like this?" However, her three older brothers had stopped listening years ago.

Perhaps Julie's brothers will listen to The Victorian Chief Commissioner of Police and the Chief of the Australian Army talking about men's sense of entitlement. Men with gender goggles may be easier on their ears.

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*I was not named as an author because I did not want to embarrass my family, particularly my mother and Brother 3.

Appendix 3: Opinion Piece, On Line Opinion

Keeping an eye on the bank of Mum

Sarah Russell, May 8th, 2015

Australians are living longer and living richer than at any time in our history. The Intergenerational Report predicts that 40,000 people will celebrate their 100th birthday in 2055. Some older women will enjoy their wealth – travelling the world, with their luggage broadcasting that they are ‘spending their children’s inheritance’. Others will live in an aged care facility while their children keep their eyes peeled on the ‘Bank of Mum’.

State Trustees Victoria report *‘For Love or Money: intergenerational management of older Victorians’ assets’* shows that women over the age of 80 are most at risk of financial elder abuse. This research found that adult sons are the most common perpetrators.

Financial elder abuse involves taking or misusing an older person's money, property or assets. Studies confirm that financial abuse is the fastest-growing type of abuse of older women. So much so that Senior Rights Victoria suggested the terms of reference for the Royal Commission into Family Violence should include elder abuse.

When a father dies, some adult children assume what was once 'Mum and Dad's money' is now their money, not their mothers'. They are not willing to wait for their inheritance until after their mothers die. Children with 'Early Inheritance Syndrome' feel a sense of entitlement to their mothers' assets.

These impatient children will actively seek ways for their mothers to 'gift' them money, or will interfere in the management of their parents' assets to protect what they see as their entitlement. They will keep a close eye on their mother's assets and curtail her expenses, such as money she spends on holidays and carers.

According to the Office of the Public Advocate, older women are also more likely to be declared legally incapable than older men. This may be due to the fact that women live longer than men. Some children assume that older women, particularly those who have not been the family's breadwinner, are unable to manage their own finances. After the father dies, they encourage their mother to appoint a financial power of attorney, often a son.

Children with 'Early Inheritance Syndrome' make assumptions that devalue the rights of older women.

1. *“Mum doesn’t need money, and it’s going to be mine anyway.”*

In cases of financial elder abuse, this is the most common justification given for taking a mother’s money whilst she is alive.

2. *“Mum finds talking about her finances stressful.”*

Some children believe that their mother finds discussions about financial issues complex and stressful. This is not only patronising but it also disempowers older women to make choices about how their money is spent.

3. *“Having a large amount of money does not improve Mum’s quality of life.”*

Most of us take comfort in the security of having savings in the bank. Why are older women different?

4. *“Mum will be no worse off after gifting her money to her children”.*

This statement is absurd. By gifting money to their children, the children are better off at the expense of their mother. The less money an elderly woman has, the less money she will be able to spend on herself.

5. *“Reducing Mum’s income will reduce her fees at the aged care facility”.*

Lower fees at the aged care facility means more money for the beneficiaries of the will (i.e. the children). However, many older women may appreciate the care that they receive in an aged care facility, and are happy to pay higher fees for receiving good care.

6. *“Reducing Mum’s income will reduce the amount of tax she needs to pay”*

Gifting money to children will result in Mum paying less tax. This may be a good thing for the children, but certainly not for society.

7. *“Mum’s current will cannot be changed”.*

Most people change their wills throughout their lives as their circumstances change. Why are older women different? Spending years in an aged care facility may change an older woman’s ideas about how the money is distributed after she dies. She may prefer to give some money to Doctors without Borders, The Lost Dogs Home, or even a kind nurse at the aged care facility. This is her decision, not her children’s.

8. *“By gifting money to the children, this gift reduces their children’s loans and interest payments on these loans.”*

Should middle-age professional people expect their elderly mother to assist them to manage their ‘lifestyle choices’?

Financial elder abuse may begin with the best intentions - with an elderly woman asking a child to act as her financial power of attorney. This can quickly progress to a sense of entitlement, particularly when adult children have mortgages or debts.

There is little reliable data on the extent of financial elder abuse. It is often a silent crime – unreported and unacknowledged. Although the banking industry has

Submission to Royal Commission on Family Violence: A personal story of financial elder abuse

introduced initiatives to help prevent this silent crime, financial elder abuse remains difficult to police.

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