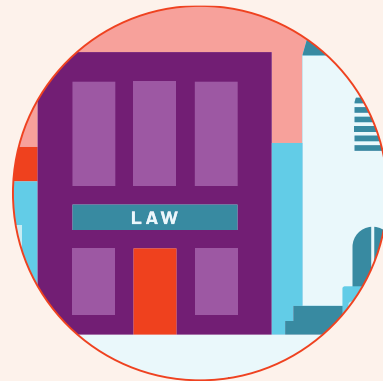




Legal and Advance Planning Services

Legal matters can be complex and overwhelming for people with dementia and their care partners, but planning ahead is key. Dementia friendly legal services can bring peace of mind by helping vulnerable clients express their wishes early and avoid problems such as unpaid expenses, squandered resources, avoidable guardianship, and financial abuse, neglect or exploitation.

Dementia friendly business is good business and will help retain existing clients and attract new ones. See training for dementia friendly business practices.¹



Ready to implement dementia friendly practices? Follow the steps:

1

Prepare

- Recognize signs of dementia and signs of financial abuse or harm.
- Develop proactive procedures and guidelines to address legal challenges related to dementia.

2

Learn

- Learn to use dementia friendly communication skills.
- Know local services that help people with dementia and their care partners.

3

Respond

- Provide dementia friendly legal services.
- Encourage others in the field and community to use dementia friendly practices.

Signs of Dementia²

- Memory loss that disrupts daily life.
- Challenges in planning or solving problems.
- Difficulty completing familiar tasks at home, at work or at leisure.
- Confusion with time or place.
- Trouble understanding visual images and spatial relationships.
- New problems with words in speaking or writing.
- Misplacing things and losing the ability to retrace steps.
- Decreased or poor judgment.
- Withdrawal from work or social activities.
- Changes in mood or personality.

Signs of Financial Abuse³

- Misuse of money by a third party.
- Unusual account withdrawals.
- Drastic shifts in investment style.
- Inability to contact customer or isolation of client from friends/family.
- Inability for others to contact client.
- Signs of intimidation or reluctance to speak in front of a care partner.

Guidelines to Address Legal Challenges

- Encourage client to identify trustworthy family or friends who will make decisions when client cannot.
- Use assessment tools^{4,5} to periodically evaluate clients who show signs of dementia, and plan for declining capacity.
- Meet with the client in private.
- Involve care partners in discussions as appropriate as they will take on increased decision making for the client with dementia.
- Follow ethical rules for working with a client with a disability.

Dementia Friendly Communication Skills^{1,6,7}

- Slow pace slightly and allow time for person to process and respond.
- Use shorter simple sentences, and ask one question at a time.
- Speak clearly and calmly; be patient and understanding.
- Treat the person with dignity and respect.
- Avoid arguing with or embarrassing the person.
- Be aware of your body language: smile and make eye contact at eye level.
- Listen attentively to client and care partners and seek their feedback.

Dementia Friendly Legal Practices^{4,8}

- Recognize changing abilities when planning for legal and financial risks such as potential abuse, undue influence, fraud, neglect, or exploitation.
- Promote advance care planning using advance directives that specify who will make decisions and what values and wishes are most important.
- Consider planning for paying for long term care in the care setting most desired by the client.
- Advocate for financial planning, power of attorney (created with capacity and protections against abuse), revocable living trusts for complex assets, and estate planning.
- Good advance planning generally can prevent the need for guardianship.

Spread Dementia Friendly Principles

- Partner with advocacy groups, state agencies, and regulators to learn more about, follow, and encourage dementia friendly practices.
- Share learning experiences and spread best practices to promote dementia friendly principles within the field and community.

References

1. **Home Instead Business Training – Alzheimer’s Friendly Business online course**
<http://www.helpforalzheimersfamilies.com/alzheimers-care-training/alzheimers-friendly-business-training>
2. **Alzheimer’s Association, Know the 10 Signs**
http://www.alz.org/alzheimers_disease_10_signs_of_alzheimers.asp
3. **Financial Industry Regulatory Authority – Key Topics For Senior Investors**
<https://www.finra.org/rules-guidance/key-topics/senior-investors>
4. **American Bar Association and Administration for Community Living – Legal Issues and Alzheimer’s Webinar Series – Part 1: For Legal Professionals Working with People with Dementia and Assessing Client Capacity**
http://www.americanbar.org/content/dam/aba/administrative/law_aging/2012_legal_issues_and_dementia_webinar_1_assessment_11_14_12.authcheckdam.pdf
5. **American Bar Association and American Psychological Association – Assessment of Older Adults with Diminished Capacity: A Handbook for Lawyers**
<http://www.apa.org/pi/aging/resources/guides/diminished-capacity.pdf>
6. **Alzheimer’s Society – Communicating**
http://www.alzheimers.org.uk/site/scripts/documents_info.php?documentID=130
7. **Alzheimer’s Society British Columbia - Making Your Workplace Dementia Friendly: Information for Legal Professionals**
https://alzheimer.ca/sites/default/files/files/bc/advocacy-and-education/dfc/2015%2002%2017_information%20for%20legal%20professionals_for%20web%20final.pdf
8. **Administration on Aging Webinars – American Bar Association, Administration for Community Living, Advance Health Care and Financial Planning for Persons with Alzheimer’s – 2012 webinar**
<https://www.nclc.org/national-elder-rights-training-program/free-webinar-for-legal-professionals-advance-care-planning-with-people-with-dementia.html>

Additional Resources

- **AARP Public Policy Institute – Protecting Older Investors: The Challenge of Diminished Capacity**
http://www.aarp.org/content/dam/aarp/research/public_policy_institute/cons_prot/2011/rr2011-04.pdf
- **Administration on Aging Webinars – American Bar Association, Administration for Community Living, Advance Health Care and Financial Planning for Persons with Alzheimer’s – 2012 webinar**
<https://www.nclc.org/national-elder-rights-training-program/free-webinar-for-legal-professionals-advance-care-planning-with-people-with-dementia.html>
- **American Bar Association and Administration for Community Living – Legal Issues and Alzheimer’s Webinar Series – Part 1: For Legal Professionals Working with People with Dementia and Assessing Client Capacity**
http://www.americanbar.org/content/dam/aba/administrative/law_aging/2012_legal_issues_and_dementia_webinar_1_assessment_11_14_12.authcheckdam.pdf
- **American Bar Association, Health Care Decision Making**
https://www.americanbar.org/groups/law_aging/resources/health_care_decision_making/
- **American Bar Association and American Psychological Association – Assessment of Older Adults with Diminished Capacity: A Handbook for Lawyers**
<http://www.apa.org/pi/aging/resources/guides/diminished-capacity.pdf>
- **Legal and Financial Planning for Alzheimer’s disease**
<http://training.alz.org/products/1017/legal-and-financial-planning-for-alzheimers-disease>
- **Legal Plans: Assisting a person with dementia in planning for the future**
https://www.alz.org/national/documents/brochure_legal_plans.pdf
- **Legal Services Corporation**
<http://www.lsc.gov/>
- **National Academy of Elder Law Attorneys**
<https://www.naela.org/>
- **National Alzheimer’s Disease Resource Center, Handbook for Helping People Living Alone with Dementia Who Have No Known Support (includes legal information)**
<https://nadrc.acl.gov/node/157>
- **National Institute on Aging, Legal and Financial Planning for People with Alzheimer’s disease**
<https://www.nia.nih.gov/health/legal-and-financial-planning-people-alzheimers>
- **National Center on Law & Elder Rights**
<https://ncler.acl.gov/>
- **Planning Ahead – Financial and Legal Planning**
<https://www.alz.org/care/alzheimers-dementia-financial-legal-planning.asp>
- **State of Hawaii Executive Office on Aging, Dementia-Capable Professionals: Legal & Ethical Issues and Cognitive Impairment**
http://olelo.granicus.com/MediaPlayer.php?view_id=20&clip_id=47157

Legal services are just one important part of the community. Professionals in this field can work alongside other sectors to help the entire community become more dementia friendly. Learn more about the process and help your community and others become more dementia friendly at www.dfamerica.org.



Adapted from ACT on Alzheimer’s® developed tools and resources.