

elder abuse and health justice partnerships

western metro

September 2018

John and Mary's story

Justice Connect believes in the power of the law to prevent problems before they arise. Thanks to early intervention, John* and Mary* were able to keep their home.

When John and his wife, Mary, bought their first home, they were ecstatic.

But despite both working full-time, their bank insisted their son go on the title too. John and Mary thought it was unfair, but because they were both over 60, it was the only way they could secure the mortgage. Their son, Tim, agreed and Mary and John soon moved into their dream home.

Several months later, John and Mary realised that their son was struggling with an addiction. Without their knowledge, he had accrued over \$70,000 in credit card debts, accrued to fund his addiction.

"We just had no idea," said John, "we had no idea what to do."

John and Mary were stressed. They wanted to help their son, but the stress was unbearable. Debt collectors began harassing them, and John and Mary found themselves spending sleepless nights tossing and turning.

During a visit to cohealth, they mentioned their concerns to a counsellor, Tess. Tess recognised that their son's debts could put their home at risk, and so encouraged John and Mary to visit the Justice Connect lawyer, Faith, who was part of the health care team.

"Usually when we see these kinds of cases, the client has been trying to solve the problem privately for some time. They want to help their child, but they ultimately end up further and further in debt. Because John and Mary came to us early, we could reduce the chance of their son's debts affecting their home."

Faith was able to connect John and Mary with a pro bono lawyer, who helped them protect their home from their son's debt collectors.

"[That help] was invaluable. We would have been forced to sell."

Early intervention means less work for the lawyer and better outcomes for the client. But unfortunately, too many legal services are unable to provide help until the situation is truly dire. Because Tess, Faith and the pro bono lawyer recognised the benefits of acting before the matter escalated, John was able to get a better outcome. Had John not gotten the help he needed early, he may have been forced to sell his home.

Early legal help can prevent life's problems from spiralling, giving people peace of mind when things are hard. Getting legal help meant that John and Mary could support their son, without worrying about losing their home in the process.

"We're rapt," said John. "Because of that help, we were able to get a few hours' sleep."

**names have been changed*



Elder abuse in the west

In March 2015 a lawyer from Justice Connect joined the cohealth team, having an ongoing physical presence in Footscray. Initially, the lawyer was available 4 days per week, gradually scaling down to 3, 2 and, now, 1 day per week as we expanded the service over various sites.

The team has assisted 56 older people experiencing elder abuse — more than 50% of all our clients — providing 225 acts of legal help. These figures suggest multiple legal issues arise in a case of one person's experience of elder abuse.

More than half of all our clients — not just those experiencing abuse — identified as being part of a CALD community.

Gender

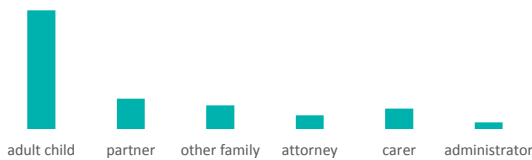
Of the clients identified as experiencing abuse, approximately **three-quarters were female**, and **one-quarter was male**.



An identified perpetrator was male in 60% of matters and female in 40%.

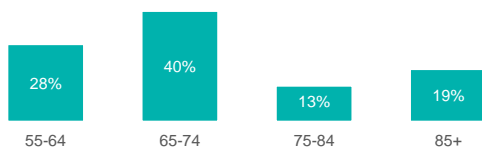
Relationship

While abuse was **typically perpetrated by an adult child**, we did see abuse perpetrated by other family members. They may also have been the client's administrator, attorney or recognised carer.



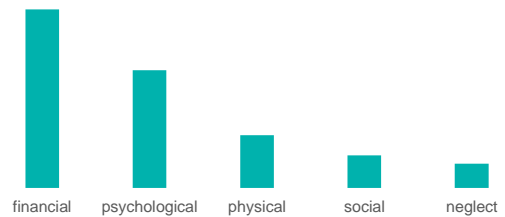
Age

A significant proportion of clients, 68%, were aged in the **younger cohorts** — between 55 and 74 years.



Type of abuse

The most common type of abuse was financial, followed by psychological, then physical and social.



Surrounding circumstances



Some of the common circumstances surrounding an older person's experience of elder abuse included:

- providing, or being **pressured to provide, financial assistance** to help a family member purchase their own property, start a business or avoid financial distress – 58% of clients
- being adversely affected by a family member's or friend's problematic **drug and alcohol use, or gambling** – 30% of clients
- tolerating living in a **high-risk situation**, because action was likely to result in the **perpetrator becoming homeless** – 40% of clients
- wanting to prepare **legal documents to protect themselves** if they lost capacity, or to ensure their bequeathed assets were not spent on problematic drug, alcohol use or gambling – 24% of clients
- an attorney, administrator or guardian **misusing their appointment** – 14% of clients



Legal issues

An older person's experience of elder abuse can give rise to a myriad of complex legal issues.

Overall, the most common request for legal help was secondary consultations — with the lawyer providing 381 secondary consultations with health professionals for patients on a diverse range of issues.

Further, when the HJP lawyer met with an older person, the legal help on offer varied — from discrete advice to more intensive assessments and referrals to pro bono lawyers for complex matters:

- one-off **advice and information** in 87 and 22 instances, respectively
- **casework** in 29 instances
- referrals to **pro bono lawyers** in 66 instances

