

New guide to help avoid elder financial abuse



The current economic climate is likely to increase the incidence of elder financial abuse situations that practitioners will have to navigate. The Law Council of Australia has recently published [Best Practice Guide for Legal Practitioners in Relation to Elder Financial Abuse](#)

The most common scenarios for elder financial abuse include family members arranging for parents or grandparents to be guarantors of family members' loans or to borrow money and then on lend the money to the family member.

Alternatively, the family member may ask for the elderly person to transfer their property into the family member's name in exchange for a promise to look after the elderly person.

The LCA's guide sets out the things to consider when setting up the meeting, during the meeting, and what proof you need to create and keep. In particular, it is important to consider who is the client, are you seeing the client alone, does it matter who pays the bills, does the client understand what is going on and have you given the client enough time to reflect on the advice.

The LCA guide is a good summary for all practitioners acting in this fraught area.

For other information on this topic see:

Senior Rights Victoria [Assets for Care](#)

LPLC's practice risk guide [Keep Managing Mortgage Risk](#)

LPLC's articles:

- [Risks for the bank of mum and dad](#)
- [When parents lend to children](#)
- [Intra-family transfers continue to result in claims](#)

LPLC's Risk video bite: [Risks for intrafamily transfers](#)