

**EXCERPTS FROM**  
**PLANNING AGAINST ELDER VULNERABILITY**

**Paragraph 1...**

Elder abuse can take many ugly forms, but few consider the financial havoc that can be wreaked on an otherwise well thought-out estate plan by the actions of an interloper. Consider the following situation as one example.

**Paragraph 3...**

Over time, Mr. Smith's mental health began to deteriorate. Loath to see their father institutionalized, the children took over his financial affairs and arranged for 24-hour personal supervision at his residence. Although costly, this seemed the best solution in view of the fact that each child lived a considerable distance from their father and none of them could attend to his needs personally.

**Paragraph 5...**

Mr. Smith's estate planning objectives crumbled completely. In most jurisdictions, marriage revokes a Will. As a result, he was said to have died "intestate" (without a Will), and his estate was divided in accordance with the legislation dealing with intestate succession. Not only were his children and grandchildren deprived of assets he intended for them, as his surviving spouse, the new Mrs. Smith also was entitled to collect a survivors benefit from Canada Pension Plan. Having the marriage nullified proved too costly for the heirs of Mr. Smith's modest estate.

**Final Paragraph...**

From a purely practical point of view, family members should not lose touch with those who mean the most to them. The best defence against abuse of a vulnerable elderly person, however, is to ensure that proper powers of attorney are in place *before* a person becomes incapable of drafting them.

**[End of Article]**