

Legal and Advance Planning Services



Legal matters can be complex and overwhelming for people living 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 and/or exploitation.

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

Ready to implement dementia friendly practices?

Follow these steps:

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1

Learn

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

Respond

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

Prepare

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

What is Dementia?

Dementia is a general term for a loss of memory and other thinking abilities that is serious enough to interfere with activities of daily life. Dementia has many causes. Alzheimer’s disease, the most common cause of dementia, is a disease of the brain that leads to problems with memory, thinking, and behavior. Alzheimer’s and other dementias are not a normal part of aging.

Signs of Dementia

* Memory loss that disrupts daily life.
* Challenges in planning or solving problems.
* Confusion when completing familiar tasks at home, at work, and/or during leisure activities.
* Confusion with time or place.
* Challenges when attempting to understand visual images and spatial relationships.
* Challenges with words when speaking, writing, and/or reading.
* Accidently misplacing items 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 tools4,5 to periodically evaluate clients who show signs of dementia and plan for declining capacity.

Dementia Friendly Communication Skills6,7

* 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 living with dementia.
* Ask “yes” or “no” questions 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, actively listen.
* Treat the person living with dementia 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.
* Seek to understand person’s reality or feelings.

Dementia Friendly Legal Practices4,8

* Recognize changing abilities when planning for legal and financial risks, including:
* Potential abuse
* Undue influence
* Fraud
* Neglect
* Exploitation
* Promote advance care planning using advance directives that specify who will make decisions and what values and wishes are most important.
* Consider planning to pay 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>

Additional Resources

For additional resources related to the *Legal and Advance Planning Services* sector and a host of other community sectors, please visit [DFA's resource page](https://dfamerica.org/resource-listing/).

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Legal services are just one important part of the community. Professionals in this field can work alongside other community 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.

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