



Safeguarding your finances in later life

www.keepcontrol.ie



About the Keep Control Campaign

Being empowered to recognise, develop and use your strengths and resources is important for your well-being. This empowerment enables older people like you, to assert your rights as a citizen and to protect yourself from potential mistreatment. In recognition of this, the National Centre for the Protection of Older People (NCPOP) at UCD, undertook a project to develop a campaign to support older people to be empowered against financial abuse. This project was funded by, and receives ongoing support from the Irish Health Service Executive (HSE).

Elder financial abuse has been defined as the unauthorised and improper use of funds, property or any resources of an older person. This may include theft, coercion, fraud, misuse of power of attorney or joint bank accounts and also not contributing to household costs where this would be appropriate.

The project involved collaboration between the NCPOP and older people as well as those professionals and volunteers who work with and represent older people. The Older People's Empowerment Network (OPEN) was established in spring 2013. During the summer and autumn of 2013, OPEN held regular meetings and consultations with experts in the fields of elder financial and social protection. These meetings helped the group understand the key issues relevant to elder financial protection in Ireland. The group was also informed by current research evidence provided by the NCPOP on elder abuse prevention and intervention. Finally, a panel of experts in the areas of legal, financial and social protection was established to provide advice on the design and content of the campaign.

This work culminated in Keep Control; an educational and information campaign developed by older people for older people, like you. The campaign provides information and tools which support you to be empowered against financial abuse. This empowerment occurs when you take responsibility for your own protection by keeping control over your affairs and ensuring that your decisions, wishes and intentions for your finances are respected and followed.

You have the right to be free from intimidation and bullying. You have the right and the responsibility to Keep Control of your money. It is intended that this campaign will give you the necessary information and resources which will empower you to Keep Control of your financial affairs.

The Older People's Empowerment Network (OPEN)

The Older People's Empowerment Network (OPEN) is a working group composed of peer representatives of older people as well as members of the NCPOP research team at UCD.

The group was founded with the purpose of developing the Keep Control campaign. It continues to promote the campaign to support older people to be empowered against all forms of elder abuse, particularly elder financial abuse. OPEN emphasises the strengths, resources, rights and responsibilities of older people to safeguard their own well-being and happiness.

The founding members of OPEN are:

Thelma Doran is a retired Irish diplomat and a member of the NCPOP User Group. She is particularly interested in issues concerning the elderly, and was a volunteer for several years with the Senior Helpline. She is a founder member and co-ordinator of a voluntary group in her parish, which provides a friend from the parish to visit those who are housebound, sick or living alone.

Carmel Downes is a research assistant in the School of Nursing and Midwifery, TCD. She worked in the NCPOP from 2012-2014, during which time she contributed to a programme of research into elder abuse prevalence, prevention and intervention. She assisted in the development of the Keep Control campaign and remains a member of OPEN.

Mary McCarthy is a psychologist and a member of the NCPOP User Group. At present, she is a volunteer with Age Action Ireland where she is involved in projects on elder abuse, inter-generational solidarity, advocacy and the well-being of older people. She previously worked in Trinity College, Dublin on EU research projects relating to social inclusion, mental health and older people.

Dr Deirdre O'Donnell is a Lecturer in Health Systems in UCD School of Nursing, Midwifery and Health Systems. Her research interests include later life well-being and happiness as well as the social determinants of health, social justice and empowerment. She is the NCPOP Principle Investigator on the Keep Control campaign.

Patrick A. Sheehan is a Solicitor and advocate for victims of elder financial abuse and probate fraud. He is a retired Civil Servant and a former Lecturer (2007-2011) on the topic of Legislation to HSE staff undertaking FETAC level 5 qualifications.

Dr Niall Tierney is enjoying retirement. He is the former Chief Medical Officer in the Department of Health and also the former chairman of the Alzheimer Society of Ireland.

Niamh Walker is a retired second level teacher of English and History living in Tallaght and has six grandchildren. She was active in the Association of Secondary Teachers in Ireland serving as branch officer and on a number of special interest committees. Upon retirement, she became involved with Older and Bolder where she was a member of the media panel. She continues to be interested in maintaining and improving quality of life, services and entitlements for senior citizens. She has a special interest in advance planning for senior years and end of life.

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- Active Retirement Ireland
- Age Action Ireland
- Age and Opportunity
- National Disability Authority
- Older and Bolder
- The Alzheimer Society of Ireland
- Third Age Ireland

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In particular, we would like to thank Ms Patricia Rickard-Clarke and Mr Michael Culloty, MABS, for their instrumental contributions.

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Contents

- About the Keep Control Campaign 1
- Acknowledgements 4
- Chapter 1: Elder Financial Abuse 9**
 - What is elder financial abuse? 9
 - Types of elder financial abuse 10
 - Protecting myself 11
 - Warning signs of abuse 13
 - Who are the perpetrators? 14
 - What do I do if I suspect abuse? 14
- Chapter 2: Making a Will 17**
 - What is a Will? 17
 - Why would I make a Will? 19
 - Protecting myself when making my Will 20
 - Guidelines for making my Will 22
 - Warning signs of abuse 24
 - ‘We need to talk’: conversation starters and tips 24
- Chapter 3: Enduring Power of Attorney 29**
 - What is enduring power of attorney (EPA)? 29
 - Why would I make an EPA? 30
 - Protecting myself when making an EPA 31
 - Guidelines for making an EPA 33
 - Warning signs of abuse 34
 - ‘We need to talk’: Conversation starters and tips 35

Chapter 4: Opening a Joint Account	39
What is a joint account?	39
What is a third party account?	40
Protecting myself when opening a joint or third party account . .	41
Guidelines for opening a joint or third party account	43
Warning signs of abuse	45
‘We need to talk’: Conversation starters and tips	46
Chapter 5: Decision-making at Critical Life Events	49
What are critical life events?	49
Why would I make a crisis decision?	49
Protecting myself when making crisis decisions	49
Guidelines for decision-making at critical life events	50
‘We need to talk’: Conversation starters and tips	53
Chapter 6: Doorstep Security	55
What is doorstep security?	55
Why do I need doorstep security?	55
Protecting myself on my doorstep	56
Guidelines for doorstep security	57
Warning signs of abuse	60
General security at home	61
‘We need to talk’: Conversation starters and tips	62
Resources and Further Information	65
Emergency contacts	65
Planning ahead	65
Legal and financial information and advice	66
General information and advice	67



Chapter 1

Elder Financial Abuse

What is elder financial abuse?

The majority of older people live healthy, happy lives and enjoy positive and mutually supportive relationships with family, friends and neighbours. However, some older people may be exploited, taken advantage of or abused. In Ireland, elder abuse is defined as:

"A single or repeated act or lack of appropriate action occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person or violates their human and civil rights" (Protecting our Future, 2002)

The main forms of elder abuse are physical, emotional or psychological, neglect or acts of omission, discriminatory, sexual, and financial or material abuse. These forms of abuse may be perpetrated as the result of deliberate intent, negligence or ignorance.

Elder financial abuse is understood by the National Centre for the Protection of Older People (NCPOP) at UCD, as the unauthorised and improper use of funds, property or any resources of an older person. This may include theft, coercion, fraud, misuse of power of attorney, and also not contributing to household costs where this was previously agreed.

Elder financial abuse was the most frequent form of elder abuse reported in a survey undertaken in 2010 by a research team in the NCPOP (Naughton *et al.*, 2010). This survey was undertaken with a nationally representative group of people aged 65 and over living in the community in Ireland. According to this survey, 1.3% of community resident older people in Ireland had experienced some form of financial abuse in the previous 12 months. This translates to between 2,714 and 15,207 older people in the general population who have experienced some form of financial abuse (this figure is based on Census data from 2006).

It is generally agreed that financial abuse is underreported and is often very difficult to recognise or detect. Therefore, it is important that all older people protect themselves from potential financial abuse before it ever occurs.

Types of elder financial abuse

Elder financial abuse can occur in a variety of ways. An adult child is the perpetrator of financial abuse in 47% of cases and a spouse or partner in 20%. Many forms of elder financial abuse are a criminal offence. Older people are entitled to the protection of the law in the same way as any other member of the public.

Crimes

Here are some typical crimes of financial abuse:

- Abuse or misuse of power of attorney whereby an appointed attorney steals your money or property
- Theft of your purse/wallet or money from your purse/wallet
- Theft of your personal property such as, jewellery, watch, furniture, ornaments, food
- Theft of your identification, credit cards and bank cards
- Theft of your mail, including bank or credit card statements and tax information
- Forging of your signature
- Marketers who approach you either by phone, post, email or at your door who announce that you have won a 'prize' but that you must pay money upfront to obtain the prize
- Marketers who use scare tactics including bullying, blackmail or exaggerated claims in order to force you into sending money or providing them with your financial information such as your bank account details, credit card information and so on
- Opening a bank account in your name without your knowledge or consent
- Using counterfeit cheques to withdraw money from your account
- Deceiving you into signing blank cheques, loan papers or withdrawal slips
- Deceiving you into donating money to fake charities

Other harmful behaviours

Other types of elder financial abuse which may not be classified as a crime but which are harmful and abusive to an older person include:

- Using your property or possessions without your permission
- Promising care or other services in exchange for money or property and not following through on the promise

- Threatening the withdrawal of care or other services unless money or property is given
- Not contributing to the household expenses even though they share the house and avail of household utilities, such as heating, water, electricity, phone and so on
- Somebody making decisions about how to spend your money without consulting you
- Putting undue influence upon you to sign documents you do not understand such as, a deed, a power of attorney or a Will. Undue influence may take the form of deception, coercion and pressure. A person may put undue influence on you to:
 - Make or change your Will
 - Invest or take out money
 - Sell your personal property
 - Purchase alcohol or drugs

Protecting myself

While most older people never experience financial abuse, it is important that you take steps to protect yourself from any potential financial abuse. Prevention is always better than cure. Never be afraid or embarrassed by raising any issues or concerns you might have. Here are some initial steps and tips which you can take to protect yourself:

- If you have concerns or suspicions that you may be experiencing financial abuse talk to somebody you trust such as a close friend, family member or an advocate and contact the HSE elder abuse service on **Freephone: 1850 24 1850**
- Set up an **Enduring power of attorney** so that if you become unable to make decisions on your own, you can choose who will make decisions on your behalf
- Make a Will so you can decide what happens to your money, property or possessions after your death
- Get independent legal advice when making a Will or an enduring power of attorney
- Never use a joint account arrangement to allow somebody to help you manage your financial affairs should you become unable to do so yourself
- Never sign blank cheques
- Never give personal information to somebody at your doorstep or who phones you or contacts you by email or post. Personal information may include:

- Your driver's licence number
 - Credit card information
 - Passport information
 - Date of birth
 - PPS number
 - Mother's maiden name
- Never give your bank account information to anybody who phones you or contacts you by email or post. Bank account information includes:
 - Your PIN
 - Your internet banking login details
 - Passwords
 - PPS number
 - Remember that banks will never ask you to confirm your bank account information or ask for your PPS number by telephone, post or by email
 - Always check and verify the identification of doorstep callers, website addresses and any material that is posted through your door or which you receive by email
 - Never pay a fee to collect a prize such as lottery winnings or sweepstakes
 - Never rush into a financial decision particularly at times of crisis or emergency such as, the death of a spouse
 - Don't sign any document you don't understand. Seek advice from a trusted independent advisor, for example your solicitor
 - Check references, identification and credentials before hiring anybody to do work in your house/garden and make sure you get an invoice for payment
 - Pay with cheques or credit cards rather than cash. This ensures you keep a paper trail
 - Order copies of your financial statements once a month and check them for unexpected and/or unusual transactions. This will help you to monitor the activities on your accounts
 - Report lost or stolen credit cards and cheques, or suspicious transactions on your account to your bank immediately

Trust your instincts!

Exploiters and abusers are often very skilled at what they do. They can be charming or intimidating. They may try to convince you they are acting in your best interests. If something sounds 'too good to be true' it probably is. If you feel that something is not right, trust your instincts, do not be afraid to say 'no'. You have the right to be free from intimidation or threat. It is your money and you are in charge.

Warning signs of abuse

Elder financial abuse can be difficult to detect, not least because there is often no outward physical sign or manifestation of abuse. Some warning signs which might trigger your suspicion that you are being financially abused include:

- Somebody has asked you to sign papers that you do not understand
- Somebody else has control of, or access to, your accounts without your full permission
- You are dissatisfied with how somebody is helping you manage your finances, or you do not understand the investment statements
- You feel pressurised to allow someone else access your accounts
- Someone else is making a decision about how your money is being spent without speaking with you first
- You feel that you have lost control over your money
- Your money is being spent by someone else for things other than your personal needs, such as food, clothing, bills and so on
- You feel pressurised to give money, property or possessions to someone else as a 'gift' or otherwise
- Somebody is withholding portions of cheques cashed on your behalf or pension payments claimed on your behalf
- Valuable household items, such as your jewellery, furniture or ornaments have gone missing
- Somebody is using your property or possessions without your permission
- Somebody has forged your signature
- Somebody has contacted you either by phone, post, email or on your doorstep and announced that you have won a prize but that you must pay money in order to receive it

It is also important to keep a protective eye on other older people that you know who may be targeted for elder financial abuse, such as your neighbours, friends or relatives. Some of the warning signs or indicators of financial abuse in other older people include:

- The person has become anxious and/or confused about their finances or their possessions
- The person has unmet physical or care needs such as a lack of food, medication, heating, electricity, clothing and so on
- You may notice a change in spending patterns or habits, such as not shopping for food and/or clothing as regularly as before

- The person may suddenly or inexplicably be unable to pay their bills
- There is a sudden or unexplained withdrawal of money from their accounts
- There is a sudden or unexplained change in banking patterns
- The person may start declining invitations to social events they previously attended
- The person may alter their own hospitality practices, such as they may stop inviting people to their house
- There are unexplained missing items from the person's home, such as furniture, ornaments or jewellery

Who are the perpetrators?

While anybody in a position of trust can potentially be a perpetrator of elder financial abuse, in the majority of cases (67%), the abuser is an adult child or spouse/partner.

Other potential perpetrators include other relatives, for example a niece or nephew (24%), a friend (4%), or a home help assistant or professional caregiver (2%). Some of the common characteristics of perpetrators of elder financial abuse include:

- They have a drug, alcohol and/or gambling addiction
- They stand to inherit money from you in your Will
- They have a violent history or personal problems associated with addiction
- They have a criminal conviction
- They have a history of a poor relationship with you or with other family members who stand to inherit money from you in your Will
- They are often intimidating and/or aggressive

What do I do if I suspect abuse?

Speak out

Do not be afraid and do not hesitate to tell somebody if you feel that you are being bullied or pressurised into making financial decisions, signing documents you don't understand or handing over control of your finances. Very often by talking to a trusted friend, neighbour, family member or caregiver you will not only receive the support you need but you are also showing the potential abuser that you have supportive people around you. This may help to prevent abuse occurring.

Trust your instincts!

Remember to trust your instincts. If you think that something is not right or you feel uncomfortable, threatened or bullied, say 'no'. You have the right to be free from intimidation and bullying. You are entitled to seek independent advice or a second opinion from a trusted family member, friend, neighbour or your solicitor.

If you suspect that you are being financially abused or are concerned that somebody you know may be experiencing financial abuse, you should contact the HSE elder abuse service through your GP, local health centre, Public Health Nurse, Home Help Co-ordinator, An Garda Síochana or your local Senior Case Worker.

The HSE has a dedicated Elder Abuse Service with Senior Case Workers with responsibility for the protection of older people in most local health office areas.

The HSE also have a national elder abuse information helpline which is open Monday to Saturday 8am to 8pm. **The helpline freephone number is 1850 24 1850.** You can also email the HSE with any query or information request at info@hse.ie



Chapter 2

Making a Will

What is a Will?

A Will is a witnessed formal document that sets out in writing your wishes and intentions for your possessions (called your 'estate') after your death. You may make as many Wills as you wish, but the only relevant one is the last valid Will made before your death.

In your Will you are referred to as the 'testator' (male) or 'testatrix' (female). For your Will to be valid in Ireland, you must:

- Be aged 18 or over (or be/have been married)
- Act of your own free will
- Have decision-making capacity at the time the Will is written and signed
- Know the nature and extent of your property and be able to identify all of the people who may expect to benefit from your estate (called 'beneficiaries')

Furthermore:

- The Will must be in writing
- You must sign the Will at the end of the document. This signature can be your initials, or, if you are unable to sign, then it can be a mark made by you. If you cannot make a sign or mark then you may direct someone else to do so in your presence
- You must sign your Will in front of two witnesses, both present at the same time
- The witnesses must also sign your Will in your presence
- A witness (or his/her spouse) cannot benefit under the Will

You can write your Will yourself, however it is advisable that you seek independent legal advice. Legal advice will ensure your Will is interpreted in the way you want it to be and that the legal formalities are properly followed.

Capacity to make a Will

In order to make a Will you must have, in the eyes of the law, the decision-making capacity to do so. This means you must understand what you are doing in creating a Will; you must know the nature and extent of your property and be able to recall the people who might be expected to benefit from your estate.

Both your solicitor and your medical practitioner may assess your decision-making capacity. It is your decision-making capacity at the time of making your Will that is legally relevant.

It is normal practice for a solicitor to record in writing any concerns he or she may have in relation to your capacity to make a Will. If you have any existing medical illness or condition which may affect your capacity, your solicitor may seek a report from your doctor which proves that you understand the implications of your actions and have the capacity to create or amend your Will.

What is the role of the executor?

The executor(s) of your Will are named by you at the time of creating your Will. The executor(s) can be a family member, a trusted friend or a professional such as a solicitor or an accountant. If you decide to use a professional, your solicitor may insert a clause in the Will to provide that this professional executor receives payment for any professional services involved in the administration of your estate.

The executor(s) may also be a beneficiary of your estate. This means they may receive property, money or a gift from your Will. They must be over 18 and have decision-making capacity to be able to act as an executor. It is important that you get the agreement of the person/people you want to act as your executor(s). The executor(s) has a duty to deal with your estate after you die. They must:

- Gather your possessions and your money
- Pay your funeral expenses and any other expenses that may arise from their role in administering to your estate
- Pay the debts you owe
- Pay specific legacies/gifts to the named people in your Will and then
- Distribute what is left to the people who are entitled to it

At the time of your death, the executor(s) will usually have to get legal permission from the Probate Office or the District Probate Registry in the area in which you lived at the time of your death in order to carry out their duties. Permission comes in the form of a document called a Grant of Representation (usually where there is no Will) or a Grant of Probate (where there is a Will).

What is the role of witnesses?

In order for your Will to be legally valid it must be signed by you in the presence of two witnesses, who are over the age of 18. They must also sign the Will in your presence, after you have signed it.

A witness or his/her spouse cannot benefit under your Will. An executor who acts as a witness will lose any benefit under your Will. Your Will may contain a clause (known as a charging clause) which means that a solicitor or his or her firm will be entitled to be paid fees if they act in the administration of your estate following your death. However, if the solicitor witnesses your Will then this benefit may be void.

How can I change or revoke my Will?

If you want to make a small change to your Will, you and your witnesses must sign or initial in the margin of the page where you have made the changes.

To make a more significant change to your Will, a 'codicil' is a separate document which may be added to your Will. This document must be signed by you and your witnesses and should set out clearly and accurately the changes you want to make. These changes are legally binding.

If you plan to make a lot of changes to your Will, it is recommended that you simply revoke your existing Will and make a new one using the normal procedures for making a Will.

A Will may be revoked by:

- A valid later Will which expressly revokes all earlier Wills or testaments
- A declaration in writing of the intention to revoke the Will. This declaration must be witnessed by two witnesses and must be signed by you
- The burning, tearing or destruction of the Will by you or in your presence (under your instruction) with your intention of revoking your Will
- Upon entering into marriage any pre-existing Wills made by either partner are automatically revoked unless you specifically made the Will in contemplation of your marriage

Why would I make a Will?

The purpose of a Will is to let you decide what happens to your money, property and possessions after your death. If you have made a Will then all your possessions will be distributed in the way you have described in your Will.

A Will is one of the best ways of safeguarding the future of those whom you care for. A Will is helpful in avoiding any disputes after your death.

Even if you do not have a lot of money or property, you should still make a Will so that you can be sure your affairs are dealt with the way you would like, after your death.

What happens if I don't make a Will?

If you die without making a Will, you are said to have died 'intestate'. This means that your estate, or everything you own, is divided up in accordance with the law as set out in Succession Act, 1965. After any debts or expenses have been paid the remainder is divided up as follows:

- **A spouse/civil partner but no children** (or grandchildren) - your spouse/civil partner gets the entire estate
- **A spouse/civil partner and children** - your spouse/civil partner gets two-thirds of your estate and the remaining one-third is divided equally among your children. If one of your children has died, that share goes to his/her children
- **Children, but no spouse/civil partner** - your estate is divided equally among your children (or their children)
- **Parents, but no spouse/civil partner** - your estate is divided equally between your parents or given entirely to one parent if only one survives
- **Brothers and sisters only** - your estate is shared equally among them, with the children of a deceased brother or sister taking his/her share
- **Nieces and nephews only** - your estate is divided equally among those surviving
- **Other relatives only** - your estate is divided equally between the nearest equal relationship
- **No relatives** - your estate goes to the State

Protecting myself when making my Will

If you decide to make a new Will, revoke an existing Will or update/change your Will, it is important that you keep your financial safety in mind. This can be a time in which you may become vulnerable to financial abuse. The most common form that this kind of financial abuse can take is when somebody places undue influence upon you. Undue influence is abusive and it occurs when somebody puts pressure upon you to make a change to your Will or to create a new Will. There are safeguards built into the procedures for creating or amending a Will that are designed to prevent this type of abuse.

At the time of creating your Will you must have the capacity to understand the implications of your decisions. If you have been assessed by your doctor or your solicitor as not having decision-making capacity, then you should not be allowed to make a new Will or amend your existing one.

Obtaining legal advice

In order to protect yourself from undue influence or pressure to create a new Will or amend an existing one, it is recommended that you seek independent legal advice. Most importantly, never use the services of a solicitor who is also representing the interests of any potential beneficiary of your Will.

Making a Will is a relatively simple matter and should not cost much. It may cost approximately €100-200, however the cost depends on how complex your affairs are. If you are using a solicitor make sure you get an outline of the costs at the outset. All solicitors in Ireland are required by law to advise their clients, in writing, of the fees they charge for their services. This is known as a 'Section 68 Letter' and it is required under the Solicitors (Amendment') Act, 1994.

A Will does not have to be a complex legal document, but it must be drafted correctly to make sure it is legally valid and enforceable. It is advisable that you get independent legal advice to ensure that you follow the correct procedures and that your Will is legally valid. It is particularly recommended that you seek the independent advice of a solicitor under the following circumstances:

- You share a property with somebody who isn't your spouse or civil partner
- You want to leave money/property or provision to a dependant who can't care for themselves or manage their own affairs
- You have several family members who may make a claim on your estate, for example a previous spouse or children from a previous marriage
- Your permanent home isn't in Ireland
- You are resident in Ireland but have property in another country
- You own your own business

Keeping my Will safe

You should tell your executor(s) where your Will is. You may also choose to store your Will:

- With other important documents such as, your passport, birth certificate and so on
- With your solicitor
- With your bank or building society

Protecting my signature

If you are unable to sign your Will due to ill-health, reading or writing difficulties, it is acceptable for you to sign your Will by means of a mark (which is witnessed by two witnesses).

If you are physically disabled to the extent that you are unable to sign or mark your Will, it is possible for you to direct an agent or representative to sign your Will for you. Your agent will sign his or her own name and state that it is being signed at your direction. Never allow anyone to sign your name to any document. This is forgery. Your agent must sign the Will in your presence and on your direction. Your two witnesses must also be present.

Joint bank accounts

Current common practice in Ireland is that where joint bank accounts are opened with a spouse/partner, parent or child, it is presumed that one party will be entitled to the money in the account when the other party dies. This practice is called 'presumption of advancement'. This can lead to disputes, as it may not be your intention to solely

benefit the person with whom you have a joint account. Therefore, it is important for you to make clear in your contracts and agreements with your bank and/or building society and with the other joint account owners what your intentions are for your money in such accounts after you die. It is also important that you state those intentions in your Will. For example, do you wish for the joint account owner to benefit? Do you wish that your money in such an account be considered an asset in your estate and divided in accordance with the wishes in your Will?

Guidelines for making my Will

- Seek independent legal advice from a solicitor who does not represent any of the potential beneficiaries of your Will
- You should review your Will every 5-6 years and after any major change in your life, for example:
 - Getting separated, married or divorced
 - Moving house
 - If the executor named in the Will dies
- Get the agreement of the person/people you want to act as your executor(s). Explain to them their duties in dealing with your estate after your death
- It is strongly recommended that you appoint two executors in your Will
- You need to appoint guardians for any of your dependants who cannot look after themselves and for any of your children who are under the age of 18
- Tell a trusted friend, family members, executor(s) and/or your financial advisor or solicitor where your Will is so that they can find it after your death
- If you have a joint account, make sure you have an open conversation with your joint account owner(s) about what your intentions are regarding your money in the account in the event of your death. These intentions should be stated in writing and lodged with your solicitor/bank and stated clearly in your Will
- If you think that you are being bullied or intimidated into creating a new Will, or making any changes to an existing Will, or if you are not comfortable with the situation, say 'no' and do not make or change the Will

What do I need to include in my Will?

- Your name and address
- A statement that says that all earlier Wills you have made are revoked. This is called a revocation statement and you can use words such as "I hereby revoke all previous Wills and testamentary instruments made by me and declare this to be my last Will and testament"
- A statement which appoints one or more executors, preferably more than one. The executor(s) will carry out your wishes in your Will after you die. It is necessary to give their full names, addresses and their occupation, if any

- A statement of what you want to happen to your property and your money
- A statement which lays out how any leftover estate (possessions, property or money) should be distributed. This is called a 'residuary clause' and you can use words such as "The remainder of my estate I leave to my son, John"
- Your Will should be dated and signed by you
- Underneath your signature you will need to provide an 'attestation clause'. This is evidence that two witnesses each signed the Will in the presence of the other and in your presence. If this is absent the Will is not valid. You can use words such as "signed by the testator in the presence of us and by us in the presence of the testator"

An example of a simple Will

This is the last Will and testament of _____ [your full name]

of _____ [your full address]

I hereby revoke all previous Wills and testamentary dispositions made by me. I appoint my son, Brian [address and occupation] and my daughter, Mary [address and occupation] as executors of this Will and direct them to pay my just debts, funeral and testamentary expenses.

To my neighbour, Sara, I leave €500. I leave my car to my granddaughter Sally. I leave my land (20 acres) in Castlefinn, County Donegal to my brother William. I leave €1000 from my Bank of Ireland savings account to the Treasurer for the time being of the Merchants Quay Ireland Homeless and Drugs Services for the charitable purposes of that organisation.

All the residue and remainder of my property of any nature and description and wherever situated, I leave in equal shares between my children, Brian, Mary and Eoghan.

Dated this day of 20_____

Signed _____ [your full name]

Signed by the testator/testatrix in our presence and signed by us in the presence of (her or him) and of each other.

_____ [signature of witness 1]

_____ [signature of witness 2]

Who has the right to inherit from my estate?

You may decide who gets what from your estate; it is for you to decide the way in which your estate will be divided up. However, the Succession Act 1965, provides that your surviving spouse/civil partner is entitled to receive a specific portion of your estate called the 'legal right share', unless you are divorced or separated and there is an agreement that no provision has to be made. If you do not have any children, the 'legal right share' ensures that a minimum of one half of your estate will be inherited by your spouse/civil partner. If you do have children, the 'legal right share' ensures that a minimum of one third of your estate is inherited by your spouse/civil partner.

Your children do not have an automatic right to inherit from you. However it is important to make provision for any children under the age of 18 or any dependent adult children who are not able to manage themselves or their affairs. If you fail to make proper provision for your dependent children they may be required to go to court to make application for such provision.

Warning signs of abuse

You can be at risk of financial abuse when you are making your Will. This can happen if someone puts pressure upon you in relation to your Will. Here are some warning signs which might trigger your suspicion that you are being financially exploited:

- Somebody has asked you to sign papers that you do not understand
- Somebody wants you to make them the sole beneficiary even though that is not what you want
- You feel pressurised, intimidated or bullied into making changes to your Will or create a new Will
- You feel pressurised, intimidated or bullied into not getting independent legal advice regarding your Will. In particular you are pressurised into availing of the services of a solicitor who is also representing the interests of a potential beneficiary of your Will

While it is important to be aware of the warning signs in order to protect yourself, it is also important to keep a protective eye on your neighbours, friends or relatives who may be experiencing exploitation by somebody abusing Will-making or amending procedures.

'We need to talk': conversation starters and tips

In order to avoid hurt, confusion or disputes between your family or between those you care about, it is recommended that you talk openly with them. You should tell them how your affairs will be managed after your death and your wishes regarding how your estate will be distributed. It is also advisable that you have a conversation with an independent professional, such as a solicitor, bank manager or accountant in which you seek their advice as to what is the best arrangement for you.

You may find it difficult to start a conversation about your intentions regarding the distribution of your estate after your death. This is a sensitive topic and you may feel hesitant about bringing it up. These conversation starters and tips are intended to encourage you to find the right words and the right time both for you and for those around you.

Top Tips

Be prepared. Plan the conversation beforehand and if you find it helpful write down a few opening statements which you can bring with you to the conversation. Ask yourself some key questions:

- What is your purpose for having this conversation?
- What do you hope to achieve?
- What would be an ideal outcome?

Never make a decision on the spot. This is your money and you have the right to take your time in considering what is best for you. State clearly that you will not make a decision straight away, that you will consider your options and discuss them with your family/friend/financial advisor/solicitor. It is also strongly recommended that you bring a pen and paper with you into the conversation so that you can take notes about what is discussed and what is agreed.

Tips for conversations with intended beneficiaries

- "I'd like to talk to you about my Will"
- "I've decided what I would like to happen to my property, money and possessions after I die"
- "I made an appointment with my solicitor to talk about my Will"
- "I'm going to see my solicitor. That's the best way to do it and I'd feel more comfortable with him/her"
- "I've decided not to sign anything before I get independent legal advice"
- "Please don't put pressure on me about my Will. It's my money and property and I'll decide who I want to leave it to"

Tips for conversations with professionals

- "I'd like to get an estimate of the cost of making my Will"
- "I have a list of questions written down that I would like answered. I'm taking my own notes but it would be most helpful if you could write down any information or actions that you feel it is especially important for me to remember"

- “I’ve made a list of all my property, money and possessions and I have decided how I would like everything to be distributed after I die”
- “My personal and financial affairs are quite complex so I’d like to get your advice on some things”
- “My financial affairs are quite complex so I’d like to get your advice about whether I should appoint a professional as an executor”
- “I have a bank account. My daughter/son/other is an authorised signatory. However, I want the account to be listed as an asset in my estate”
- “I have children under the age of 18 so I would like to appoint guardians for them and also make provisions for them in my Will”
- “There is an adult who is dependent on me so I would like to make provisions for him/her in my Will”
- “Can you advise me about the tax implications of my choices?”
- “There have been many changes in my life lately so I’d like to review my Will. I’d like to get your advice on whether I can amend my existing Will or make a new Will?”
- “I’d like to store my Will with you for safekeeping”

Tips for conversations with executors

All text received to date

- “My solicitor advised me to appoint two executors. I’m thinking about asking [name of person] to be one of them. I was wondering if you would agree to be the other one?”
- “I can explain to you what an executor must do and if you have any further questions we can talk to my solicitor together”
- “I’ve a copy of my Will. [Name of solicitor] has the original. Can you make sure that you get it after I die and that my wishes are carried out?”



Chapter 3

Enduring Power of Attorney

What is enduring power of attorney (EPA)?

Enduring power of attorney (EPA) is a legal document by which you can give another person or people the power to make decisions on your behalf if you become unable to make decisions at some point in the future. This person or people is called your 'attorney'.

An EPA may be created now but only comes into effect in the future if you lack the mental capacity to make certain decisions. The EPA comes into effect when the attorney(s) appointed by you complete the registration process. The registration process involves filing a report to show that you lack mental capacity. An enduring power of attorney is different from an ordinary power of attorney which can operate while you have mental capacity but you may wish to appoint somebody temporarily to make certain decisions on your behalf, for example if you are absent from the country for a period of time.

You agree the terms of an EPA when you still have mental capacity. When agreeing the terms you may give the attorney(s) either specific powers or a general authority to act on your behalf in relation to financial and business affairs and/or personal care. Personal care decisions may include where and with whom you should live, what training and rehabilitation you should receive, your dress and diet and the inspection of your personal papers. At present an EPA does not authorise the attorney(s) to make healthcare decisions on your behalf. However, the Assisted Decision-Making (Capacity) Bill 2013 proposes to expand these powers to include health care matters. For more information about the Assisted Decision-Making (Capacity) Bill 2013, go to the Keep Control Website: www.keepcontrol.ie

You decide what powers you wish to grant to your attorney(s). You may decide to place restrictions or conditions on these powers. For example, you may decide that the attorney(s) may not sell your house or dispose of certain assets. Furthermore, you may instruct the attorney(s) to consult with a particular person such as, a family member or close friend, when making decisions that relate to your personal care.

What is mental capacity?

Mental capacity is the ability to make decisions for yourself. This includes 'every day' decisions, such as deciding what to do with your money, what to wear and how to spend your time. It also includes 'less ordinary' decisions, such as giving consent for a medical procedure or treatment or determining who will benefit from your estate.

Someone may lack mental capacity due to an illness or disability such as some mental health problems, dementia or a learning disability. If someone lacks mental capacity they may be unable to do the following:

- Understand information given to them to make a particular decision
- Retain that information long enough to be able to make the decision
- Use or weigh up the information to make the decision
- Communicate their decision

Why would I make an EPA?

It is best to plan for the future when you are in good health and have the mental and physical energy to do so. An EPA allows you to plan for the future. You decide who you would like to look after your affairs and what you would like to happen if you become unable to decide for yourself in the future. It means that you are well prepared if you become ill and your ability to make decisions is impaired. By creating an EPA, you can clearly record your wishes and preferences in relation to your personal and financial affairs. The EPA allows you to give decision-making power to people that you trust and have specifically chosen to act on your behalf in accordance with your wishes and preferences. In this way, you take responsibility, you ensure that your future needs will be met and you keep control of your affairs.

While there are many good reasons for creating an EPA, there may be some circumstances where EPA may not be appropriate for you. Such circumstances may arise where there is no trustworthy person who you feel you can appoint to make the right decisions on your behalf, or where you have substantial assets and there is no person with the appropriate skills to manage the assets. In these situations you should seek independent legal advice from a solicitor.

What would happen if I don't have an EPA in place?

At present, if you do not have EPA in place and you are found to lack the decision-making capacity to manage your own affairs, your assets, properties and money may be frozen. This means they cannot be used by anyone else unless they are jointly owned by you and the other person, and the other person has full authority to use the joint assets. An application may be made to make you a Ward of Court. If granted, the court has the power to make decisions on your behalf in relation to your affairs and will appoint a committee, usually family members, to oversee your needs and make decisions.

The Assisted Decision-Making (Capacity) Bill 2013 proposes to replace the existing wards of court system. Under this proposed legislation, if you do not have an EPA in place and you lack the capacity to manage your own affairs, you may appoint a decision-making assistant to help you. Alternatively, the circuit court will have the power to determine what level of decision-making support you require. They may designate a person or persons to provide this support and the court will determine how it will operate. For further information about the Assisted Decision-Making (Capacity) Bill 2013, go to the Keep Control website: www.keepcontrol.ie

By creating an EPA, you plan for a time when you may lack decision-making capacity in the future. You also avoid a situation whereby the courts decide what happens if you lack the mental capacity to make decisions. If the courts are responsible for deciding what happens, people who you would not necessarily have chosen to make decisions on your behalf may be given responsibility for doing so. In taking responsibility for your affairs, you also relieve your family of the burden of having to make decisions on your behalf which may be particularly hard for them when they do not know what your preferences are. It may also avoid a situation whereby family conflict arises in the course of deciding how to manage your affairs.

Protecting myself when making an EPA

It is abuse if somebody tries to unduly influence you to create an EPA or if they try to make you create an EPA when you lack the mental capacity to do so. There are safeguards contained in the procedures for creating and registering an EPA that are designed to prevent this type of abuse.

At the time of creating an EPA, both your doctor and solicitor must be involved. Your doctor must certify that you have the mental capacity to understand the effect of creating the EPA. If you are assessed as not having capacity, you should not be allowed to make an EPA. Your solicitor must also certify that you understand the effect of creating an EPA and that he or she is satisfied that the EPA is not being created as a result of fraud or undue influence.

An EPA must be registered before it can take effect. Notice of the attorney's application to register the EPA must be given to you and two or more people who were nominated by you as notice parties at the time of the creation of the EPA. This enables either you or the notice parties to lodge an objection prior to registration if you or the notice parties have any concerns about the EPA or the actions of the attorney(s). For example, you or the notice parties may be concerned about premature registration. This occurs if the attorney(s) attempts to register an EPA when you still have the capacity to make decisions regarding your affairs.

Your attorney(s) has a duty to manage your money and property in accordance with the instructions you made at the time of creating the EPA. While the legislation has yet to be agreed and put in place, under the proposed Assisted Decision-Making (Capacity) Bill, 2013 even when the EPA is registered your attorney(s) will still be obliged to include you in any decisions that you have the capacity to engage in. This means that any actions or decisions taken by the attorney(s) on your behalf must be least restrictive of your rights and freedoms and give effect to your will and preferences.

However, at present in the absence of the Assisted Decision-Making (Capacity) legislation, an attorney's actions are subject to little or no supervision. Therefore, it is important that you carefully consider who to appoint as your attorney(s) and what powers you wish to grant to the attorney(s) in relation to your financial and business affairs as well as your personal care.

What is a notice party?

At the time of creation of an EPA you will be required to nominate at least two notice parties. These notice parties are different and separate from the people or person you have nominated as your attorney(s). A notice party is notified when the nominated attorney(s) applies to register an EPA. They are an important safeguard against abuse of an EPA and are usually a trusted friend or family member.

Protect myself

Here are some important things to keep in mind to protect yourself against abuse and misuse of EPA:

- Consult with a solicitor when preparing an EPA. It is the role of your solicitor to provide you with independent advice and to make and inform you of your options.
- It is recommended that you appoint two attorneys when creating an EPA. There may be greater opportunity for abuse where a single attorney is appointed. It also means that you can decide that one of your attorneys will be able to make decisions on their own if the other is unavailable
- Only appoint someone you really trust as attorney(s) and that you can rely on to carry out your wishes regardless of their own personal views
- It is not advisable to appoint a person as your attorney(s) who has substance abuse, gambling problems, or who mismanages money
- It is not advisable to appoint hired caregivers or other paid helpers as your attorney(s)
- Make sure you talk to the person or people you name as your attorney(s) about what your wishes are for your money, property and matters relating to personal welfare
- Do not allow anyone to pressure you into making a decision which does not serve your interests
- Tell friends, family members, your doctor and other healthcare professionals, and financial advisers that you have appointed an attorney(s) so they can look out for you
- It is wise to update and review your EPA agreement every five years
- If you have any doubts about the suitability or trustworthiness of the person who you have appointed as attorney(s), you may cancel the EPA any time before an application is made to register the EPA, as long as you have mental capacity
- If you receive notification of registration of the EPA, you have 5 weeks from the date you have received this notification in which to lodge an objection to its registration. This could be on the grounds that you still have the capacity to manage your affairs

- If you wish to cancel an EPA after it is registered, you can apply to the High Court and the court can make an order cancelling the EPA if it finds for example:
 - There was fraud or undue pressure put upon you to create the EPA
 - The attorney(s) is unsuitable
 - You have mental capacity

Protect others

- If you have been nominated as a notice party for somebody else's EPA and have concerns about an attorney(s), you may lodge a notice of objection prior to registration. An objection might be made about:
 - The unsuitability of an attorney(s)
 - Any suspected fraud
 - Undue pressure on the donor to create an EPA
 - The donor of the EPA not actually being mentally incapable
- If you have a concern about the way a registered EPA is working you may write to the Office of Wards of Court about this concern. (It is proposed that the Office of Wards of Court will be replaced by the Public Guardian under the new assisted decision-making legislation)

Guidelines for making an EPA

Who you appoint as your attorney(s) is a very important decision as the attorney(s) will have significant decision-making powers that will impact your security and well-being. When choosing your attorney(s), here are some questions you should consider:

- Is this person or people trustworthy and likely to act according to your wishes and preferences, taking account of your beliefs and values?
- Are there any potential conflicts of interest for the attorney(s) that may prevent them from acting in your best interests? For example, this may arise where the person is a potential beneficiary of your estate
- Does this person or people have the skills needed for the role? For example, are they capable of dealing with all of your property and financial matters? Will they keep accurate records and accounts of all these transactions and be able to fully account for your assets?
- Will this person or people manage your financial and business affairs in a responsible way?

- Is this person or people willing to take on the responsibilities of the role?
- Does this person or people live in close enough proximity to be able to physically attend to these matters?
- If you are appointing two attorneys, will they be able to work well together?
- If you are appointing two attorneys, is it your intention that they must make joint decisions or can some decisions be made by an individual attorney? You must make this clear when you are creating the EPA

Warning signs of abuse

Creating an EPA is an important method of safeguarding your future well-being. In the process of agreeing an EPA you may wish to consult trusted family and friends. It is important to be aware of the possibility that someone may try to take advantage of an EPA for their own personal benefit. Here are some warning signs that may alert you to abuse of EPA:

- You feel pressurised by somebody to make an EPA against your wishes
- Somebody has asked you to sign a document creating an EPA even though you do not understand it
- Somebody has forged your signature on an EPA document
- You feel pressurised by somebody to grant them authority that you do not wish to give them
- You want to appoint two people as your attorneys but one person is anxious that you appoint them as sole attorney

If you know of someone whose affairs are being managed by an attorney(s), it is helpful to be vigilant for any signs that they are being financially abused. This is particularly important as the person themselves may not have the mental capacity to recognise their abuse. Here are some warning signs that may alert you to the possibility that an EPA is being abused:

- Somebody has put undue influence (deception, coercion and pressure) on the person to make an EPA against his or her wishes
- You suspect that the person lacked mental capacity when the EPA was created
- The attorney(s) is disregarding the expressed preferences of the person
- You feel that the person's best interests are not being protected or their needs are being neglected
- The attorney(s) is giving unauthorised gifts or money to themselves or others using the person's finances

- The attorney(s) is acting beyond the authority they have been given in the EPA
- There is a lack of transparency in how a person's property and finances are being managed. For example:
 - There is evidence of money or property missing or unaccounted for
 - The attorney(s) is not keeping their personal finances, property and money separate from the person's

'We need to talk': Conversation starters and tips

When you are creating an enduring power of attorney it is very important that you discuss your options with an independent solicitor. You should agree the particular decision-making powers you wish to authorise your attorney(s) to have if you lose decision-making capacity in the future. It is also very important that you have a frank and open conversation with your nominated attorney(s) regarding the specific decision-making authority you wish to give to them, if you lose mental capacity in the future. Furthermore, you should make sure that they understand your preferences and wishes regarding the decisions they may have to make on your behalf in the future.

You may find it difficult to start a conversation about your wishes and preferences regarding certain decisions that you would like made on your behalf if you are unable to do so yourself in the future. This may be a sensitive topic and you may feel hesitant about bringing it up. These conversation starters and tips are intended to encourage you to find the right words and the right time both for you and for those around you.

Top Tips

Be prepared. Plan the conversation beforehand and if you find it helpful write down a few opening statements which you can bring with you to the conversation. Ask yourself some key questions:

- What is your purpose for having this conversation?
- What do you hope to achieve?
- What would be an ideal outcome?

Never make a decision on the spot. This is your money and you have the right to take your time in considering what is best for you. State clearly that you will not make a decision straight away, that you will consider your options and discuss them with your family/friend/financial advisor/solicitor. It is also strongly recommended that you bring a pen and paper with you into the conversation so that you can take notes about what is discussed and what is agreed.

Tips for conversations with professionals

- “I’d like to get an estimate of the cost of creating an enduring power of attorney”
- “I have a list of questions written down that I would like answered. I’m taking my own notes but it would be most helpful if you could write down any information or actions that you feel it is especially important for me to remember”
- “Could you start by explaining to me the process by which I can create an EPA and how that EPA may be enacted in the future?”
- “My personal and financial affairs are quite complex so I’d like to get your advice about appointing an appropriate person to oversee these affairs if I become unable to do so myself in the future”
- “I would like to appoint two people who would act as my attorneys should I no longer have mental capacity”
- “I have a bank account. My daughter/son/other is an authorised signatory on that account. I want to make sure that if this EPA is activated my bank is notified so that this authorised signatory arrangement is stopped and the bank account is managed under the conditions of my EPA”
- “Could you advise me on what kinds of powers I might give to my attorneys should I lose mental capacity?”
- “I have particular wishes and preferences regarding my end of life care. How could I best protect those preferences in creating this EPA?”

Tips for conversations with your attorney(s)

- “I’d like to talk to you about my decision to create an enduring power of attorney. Is there a good time that we could sit down together and have that discussion?”
- “My solicitor advised me to appoint two attorneys. I’m thinking about asking [name of person] to be one of them. I was wondering if you would agree to be the other one?”
- “I can explain to you what an attorney must do and if you have any further questions we can talk to my solicitor together”
- “I have some preferences for my end of life care. I would like to explain them to you so that you are clear about the kinds of decisions I would like you to make on my behalf if I’m not able to do so myself”

Tips for conversations with family and trusted friends

- “I’d like to talk to you about my decision to create an enduring power of attorney”

- "I've decided to appoint [names of nominated attorneys] as my attorneys. They will be responsible for making financial decisions on my behalf should I become unable to do so myself"
- "My solicitor advised me to appoint two notice parties. I'm thinking about asking [name of person] to be one of them. I was wondering if you would agree to be the other one? This would mean you would be notified if my attorneys try to register the EPA"
- "I made an appointment with my solicitor to talk about creating an EPA"
- "I'm going to see my solicitor. That's the best way to do it and I'd feel more comfortable with him/her"
- "I've decided not to sign anything before I get independent legal advice"
- "Please don't put pressure on me about my EPA. It's my future and I'll decide who is the most appropriate person to make decisions about my financial and personal affairs if I'm not able to do so in the future"



Chapter 4

Opening a Joint Account

What is a joint account?

A joint account is an account in a bank or building society which names two or more people as owners. This could be a deposit or savings account. Usually, each owner has full control of the account. This means that either owner can withdraw money from the account at any time. It does not matter whose money was deposited in the account or whether the other owner has deceased, has decision-making capacity or not, or even if he/she agrees with the purpose of a withdrawal. Many people do not realise that joint accounts may sometimes lead to misunderstandings and even disputes that could be avoided by use of other types of account arrangements. A joint account arrangement should never be used as a means of allowing somebody to control and manage your finances, even if that person is a trusted relative or friend. If you feel that you are no longer able to manage your financial affairs and require assistance from a trusted family member or friend, other arrangements may be more appropriate, such as, enduring power of attorney or the decision-making support options described by the Assisted Decision-Making (Capacity) Bill 2013. For more information about the Decision-Making (Capacity) Bill, go to the Keep Control website: www.keepcontrol.ie

Why would I open a joint account?

You may wish to open an account at a bank or building society jointly with another person with whom you have a financial partnership, such as your spouse or partner. For example, you might want to open a joint account with a spouse/partner or household member for the purpose of joint savings, mortgage payments, rent payment or other common and shared expenses. In these situations you may be quite happy to join your funds together as this reflects the trust that you have with each other. In this case, both owners of the account are willing to risk any loss caused by the other owner's activities.

You may want to open an account jointly for the following reasons:

- You may have a regular expenditure which is shared between the account holders, such as mortgage repayments or rent, and utility bills, such as heating, electricity or telephone

- Pooling your money together can make budgeting easier
- Pooling your savings together can make creating a joint savings plan easier
- If one of you is away for an extended period of time, such as on a long holiday, this arrangement can allow the other parties to manage the finances temporarily

Please note a joint account is not appropriate if you are unwell or are finding it difficult to manage your finances on your own. There are other more appropriate options in these situations, such as an enduring power of attorney.

It is very important to have a discussion with the other account owners. In this discussion you should agree clear ground rules about what the money in the account is for. You should discuss and agree your shared expenditure and savings goals. It is also important that you state these intentions clearly to the representative of your bank or building society and that these intentions are recorded in writing by the representative.

What is a third party account?

A third party account may also be called a 'convenience' or 'agency' account. This type of account is created when a single account owner authorises another person, who is not an owner, to act as the owner's third party or assistant. This means that the appointed and authorised third party may withdraw money from your account on your behalf but does not become an owner.

This type of account offers the convenience of allowing the owner and the third party to withdraw money from the account but avoids the risk of loss that may result from the third party's activities, losses or debts. This type of account arrangement should also end if the owner dies or loses decision-making capacity. It is important to record in writing with the bank or building society that when the account owner dies or if the owner no longer has decision-making capacity the money in the account will be subject to the terms of the owner's Will.

Why would I authorise a third party on my account?

You may wish to open a third party account for the convenience of getting help with paying bills or managing your finances. In this case you would appoint an 'additional authorised signatory' to your account. It is very important that you give clear instructions to your bank or building society and to your appointed third party about your intentions and motivations for authorising a third party to have access to your account.

You may want to appoint a third party to have access to your account for the following reasons:

- You need help with making withdrawals from your account for your day-to-day expenses such as shopping bills, social expenses or household expenditure

- You may want to allow a close friend or family member, to access your account to make it easier for them to help you in managing your household finances, shopping and so on

Please note, a third party account is not the appropriate way for you to manage your finances if you are unwell for a long period of time or if you feel that you are no longer able to manage your finances on your own. In these cases other arrangements may be more appropriate, such as, enduring power of attorney or the decision-making support options which will come into operation under the new Assisted Decision-Making (Capacity) Bill 2013. For more information about the Assisted Decision-Making (Capacity) Bill, go to the Keep Control website: www.keepcontrol.ie

Protecting myself when opening a joint or third party account

It is important that you keep your financial safety in mind if you decide that you wish to open a joint account or allow someone to access your account through a third party arrangement. Stating your intentions regarding your financial deposits will allow you to keep control of your finances. It will also help to prevent any potential misunderstandings or family disputes in the event of your sudden illness or death.

Opening a joint account

Only consider opening a joint account with somebody with whom you have a 'financial partnership'. This is somebody you can have an open conversation with about your joint financial plans for expenditure and savings. It is important that you have absolute trust in that person and you are willing to combine your money together. Furthermore, you must be willing to risk any loss which may be caused by the other person's activities, such as their debts. Make sure you ask lots of questions about setting up a joint account when talking to the representative of your bank or building society and in conversations with your financial partner. Only proceed with the arrangement of a joint account if you are completely comfortable with it.

When opening a joint account your bank or building society will usually request that you fill in an application form. Often you do this in the bank or building society or online, and sometimes you can do this on the phone. There is no limit to how many joint account owners there can be. All owners will have to provide proof of identity, including your full name, date of birth and address. Typically you will have to show your bank or building society two documents that prove who you are and your current residence. For example:

- Passport
- Drivers License
- Electricity/Gas or Phone bill

When you open a joint account, the bank, or building society, should tell you

about the extra rights and responsibilities involved, and these should be clearly explained to you and outlined in the mandate. You should have a discussion with the representative of the bank or building society as well as the other account owners. In this discussion you should agree the following:

- A list of what the money in the account is and is not to be used for
- One person will not be allowed to withdraw all of the money from the account without the other person knowing or giving their permission
- The bank or building society will send account statements to all the joint account owners individually
- No overdraft facility on the account unless you personally request it
- An agreement about what should be done with the money in the account if one of the account owners dies or no longer has decision-making capacity. This agreement should be recorded in writing by the representative of the bank or building society

What is a mandate?

When opening a joint account you and any other owners will have to sign a form called a 'mandate'. The mandate sets out what the account owners can do, for example who can sign cheques and take money out. You may have to choose between the options of 'both to sign' or 'either to sign'.

- 'Both to sign' means that no transactions can take place without all account owners agreeing and providing a signature
- 'Either to sign' means that any or either of the account owners can make a transaction independently of the other. For example, if you have a joint account, the other owner can withdraw money from the account without your signature or permission

Authorising a third party on my account

Only appoint somebody you trust as a third party or assistant on your bank or building society account. It is important that you have an open and trusting relationship with your third party. You should state clearly to the third party and to the representative of the bank or building society why you are putting this arrangement in place. It is very important that your intentions regarding this account are recorded in writing by the representative of your bank or building society. Tell them clearly what your expectations are of the third party and what your intentions are regarding the money in your account.

When having this discussion with your third party and the bank or building society you should consider the following points:

- What will happen if the relationship with your third party or assistant ends?

- What will happen if you become seriously ill, you no longer have decision-making capacity or you die?
- Make it clear that if you die, the money in the account is listed as an asset in your estate. This means that your Will determines what happens to your money
- Make it clear that the reason you have allowed a third party to have access to your account is for your convenience and not for the benefit of the third party
- Confirm that if you become incapable of making decisions then the third party will no longer have the authority to withdraw money from your account. In this case, if you have appointed an attorney under an enduring power of attorney, then the attorney will have the authority to manage the money in your account

Guidelines for opening a joint or third party account

The most important advice to follow when opening a joint or a third party account is to only do so with somebody that you trust completely. It is also important to have an open and honest conversation with the joint account owner or the third party about why you are putting this arrangement in place and what your intentions are regarding the money in the account.

Opening a joint account

- Only open a joint account with somebody that you have a 'financial partnership' with. This means somebody that you trust completely and are willing to combine your funds with, such as your spouse or partner
- You should not open a joint account with somebody who has substance abuse, gambling problems or problems with debt
- Make sure you have an open conversation with your joint account owner(s) about what your joint intentions are regarding the money in the account if either of you become seriously ill, incapacitated or die
 - Your joint intentions should be stated in writing and recorded by your solicitor/bank/building society
 - Your joint intentions should also be stated clearly when you are creating an enduring power of attorney
 - You should refer to your joint account and your intentions in your Will or in a codicil attached to your Will
- Set some clear rules about what the money in the account is to be used for, particularly if the account is to be used for day-to-day use. These rules should be agreed between all account owners and should be stated in writing
- Ensure that you are clear about what procedures are in place for the payments of debts on the account
- Make sure you are getting regular account statements (once a month) which will allow you to monitor the activities on the account

- If you feel that you are being bullied or intimidated into opening a joint account, or if you are not comfortable with the situation, say 'no' and don't open the account.

Remember this is your money and you have the right to keep control of it.

Authorising a third party on my account

- Only appoint somebody that you trust to become a third party on your account. This means somebody you can have an open conversation with
- You should not appoint somebody who has substance abuse, gambling problems or problems with debt as a third party
- Make sure you have an open conversation with your appointed third party about what your intentions are regarding the money in the account
 - These intentions should be stated in writing and recorded by your solicitor/bank/building society
 - Your intentions for the money in your third party account should also be stated clearly when you are creating an enduring power of attorney
 - You should refer to all your bank accounts, including any third party account, in your Will or in a codicil attached to your Will. You should state clearly what your intentions are for the money in your account(s) after your death
- Set some clear rules about what the money in the account is to be used for. These rules should be stated in writing and should be agreed with the representative of your bank or building society
- Make sure you are getting regular account statements (once a month) which will allow you to monitor the activities on the account
- Make sure your third party gives you receipts of any transactions, shopping and so on. Always cross check your receipts with your account statements
- State clearly in your contract and agreement with your bank or building society that the third party does not have the authority to request an overdraft on your account
- Ensure that you are clear about what procedures are in place if you become seriously ill, incapacitated or die
- If you have a disagreement with the third party you should contact your bank or building society and cancel the arrangement immediately. It is important that the bank or building society knows that you are the sole owner of the money in the account as otherwise the bank may freeze the account which would be very inconvenient for you in paying your bills
- Tell close and trusted friends, family members and/or your financial advisor or solicitor about your third party arrangement so that they can spot any potential financial abuse by your third party. Furthermore, they can ensure that if you become incapacitated or if you die the authority of the third party to access your account will end

Presumption of advancement

Current common practice in Ireland where joint accounts are opened with a spouse/partner, parent or child, it is presumed that one party will be fully entitled to the money in the account when the other party dies. This is called a 'presumption of advancement' and in some cases it may also apply to an account where there is a third party arrangement. This can lead to disputes as it may not have been your intention that the person you have a joint or a third party account with becomes the owner of the money in your account after your death. Therefore it is important for you to make clear what your intentions are for the money in such accounts after your death. These intentions should be stated in your contracts and agreements with your bank or building society and with the other joint account owners or appointed third party. It is also important that you make it clear that your money in this account will be an asset in your estate, which means it will be subject to your Will.

Warning signs of abuse

Elder abuse can be difficult to detect and often there is no obvious outward sign that you are being abused or exploited through a joint or third party account arrangement. Here are some warning signs which might trigger your suspicion that you are being financially exploited by somebody abusing the joint or third party account agreements and procedures:

- Somebody has asked you to sign papers that you do not understand
- Somebody has control or access to your money in your accounts without your full permission
- You feel pressurised, intimidated or bullied into allowing somebody to have access to your money by opening a joint or third party account
- You feel that you have lost control over your money and financial affairs
- Your money is being spent by someone else for things other than your personal needs, and for things other than what you agreed to upon opening a joint or third party account
- Someone appears to be over-helpful to you and suggests that he or she will bring you to the bank or building society to withdraw money

While it is important to be aware of the warning signs in order to protect yourself, it is also important to keep a protective eye on your neighbours, friends or relatives who may be experiencing exploitation by somebody abusing the joint or third party account agreements. Here are some warning signs you should be aware of as they may suggest that somebody you know is being abused in this way:

- The person has become anxious and/or confused about their finances
- The person has unmet physical or care needs, such as lack of food, medication, heating, electricity, clothing and so on

- You may notice a change in shopping patterns or habits, such as not shopping for food/clothing as regularly as before
- The person may suddenly and inexplicably be unable to pay their bills
- There is a sudden and unexplained withdrawal from their accounts
- There is a sudden and unexplained change in their banking or building society habits or patterns
- The person may start declining invitations to social events they previously attended
- The person may change their behaviour, for example they may stop inviting people to their house

'We need to talk': Conversation starters and tips

Key to a successful joint or third party account arrangement is an open and trusting relationship between you and your fellow account holders or you and your third party. It is important that you have a frank and open conversation about your reasons for opening the account, and your intentions for what the money in the account should be used for. It is also advisable that you have a conversation with a representative from your bank or building society and your solicitor in order to seek their advice as to what is the best arrangement for you.

You may find it difficult to start a conversation about managing your personal finances. Perhaps you've tried before and it went badly, or maybe you're afraid to have the discussion for fear of causing offense or conflict. These conversation tips are intended to help you to think about how to start that conversation and to empower you to get your intentions across.

Top Tips:

Be prepared. Plan the conversation beforehand, and if you find it helpful, write down a few opening statements which you can bring with you to the conversation. Ask yourself some key questions:

- What is your purpose for having this conversation?
- What do you hope to achieve?
- What would be an ideal outcome?

Never make a decision on the spot. This is your money and you have the right to take your time in considering what is best for you. State clearly that you will not make a decision straight away, that you will consider your options and discuss them with your family/friend/financial advisor/solicitor. It is also strongly recommended that you bring a pen and paper with you into the conversation so that you can take notes about what is discussed and what is agreed.

Tips for conversations with intended joint account owner(s)

- "I'll look into your suggestion that we open a joint account together. It may be a good idea but I'd like to talk to someone about it first. I've decided not to sign anything today"
- "If we do open a joint account together, I'd like to give some instructions to the bank. We need to decide together what the money can and cannot be used for"
- "I'd like to talk about your suggestion that we open a joint account together. I've thought about it and talked it through with my family/friend/solicitor and I don't feel it is necessary"
- "We don't need to set up a joint account. I got some advice and all I need to do is add you as an authorised signatory on my account. That way you will be able to withdraw from my account on my behalf, if I need you to"

Tips for conversations with intended third parties or assistants

- "I think it would make life easier for me if you could withdraw money from my account when I need it. I'm going to talk to the bank about what can be arranged"
- "I talked to the bank about whether you could access my account to help me out and they said that I can make you an authorised signatory but they advised me to make sure that I put in writing what the money in the account can be used for"

Tips for conversations with professionals

- "Can you make sure that account statements will be sent individually to all account owners?"
- "I don't want overdraft facilities on this account. Can you put that in writing?"
- "What about debts on the account? Who would be liable?"
- "I'd like to make [name of person] a third party on this account. I just want to make it clear that this is for my convenience and not for the benefit of my third party so I want the money in the account to be used for..."
- "The details of this account are registered in my Will and will be subject to the terms of my Will after my death"

Tips for conversations with family/friends (non-account holders)

- "I would like your advice on something. Do you have the time to sit down and talk to me?"
- [Name of person] has suggested opening a joint account with me. I have some concerns and would like to get your advice"
- "I am planning to appoint as a third party on my account. I just thought that it is good for you to be aware of that"



Chapter 5

Decision-Making at Critical Life Events

What are critical life events?

Critical life events may be events such as serious illness, or the death of a loved one. Although these events are part of the life course, very often people don't consider the implications of such events on their lives until they actually happen. When something happens unexpectedly or suddenly to either yourself or a loved one, you may be required to make rapid decisions and to take decisive action regarding finances, health, lifestyle or care on either your own behalf or somebody else's behalf. If you are unprepared for this and a decision needs to be made immediately, this may be referred to as a crisis decision.

Why would I make a crisis decision?

When an unexpected event occurs such as serious illness or the death of a loved one, your financial circumstances may change and responsibility for family affairs may shift to or from you. If this occurs, you may need to take some decisions or actions quickly. For example, if your partner or spouse dies, you may be responsible for making the funeral arrangements and registering the death. If your deceased spouse or partner managed your family's finances, such as paying the bills, you may suddenly find yourself in the unfamiliar position of having responsibility for this. There are some matters that will require urgent attention when an emergency occurs and about which decisions will need to be made promptly. There are other matters that are not so urgent and that can be postponed until such a time as you have the physical, psychological and emotional capacity to deal with them.

Protecting myself when making crisis decisions

Major life events such as serious illness and death may be very unsettling. They may cause profound changes in your personal life, your financial circumstances and your physical, psychological and emotional well-being. When you experience major life events, you will need time to adjust, whether it's grieving for the loss of a loved one or coming to terms with serious illness. Here are some tips to help you to make good decisions during critical life events.

Plan ahead

The best approach to making decisions about matters that may affect you in later life is to plan ahead for them as early as possible. This will give you peace of mind that should something happen, you and the people closest to you are well prepared for it. It will avoid a situation whereby hasty decisions are made under pressure or without having being thoroughly considered. Planning ahead facilitates better and more informed decision-making when emergencies do arise. Discussing and recording preferences if an emergency, serious illness or death occurred, is recommended and supported by the Think Ahead campaign. For further information about the Think Ahead campaign you can visit their website at: www.thinkahead.ie. See Resources and Further Information at the back of this booklet for information on how to contact the campaign.

Talk with family and friends

You should plan ahead by talking with your family and friends. Let them know what you would like to happen if you become ill or when you die. If you are responsible for family financial affairs, it is important that you involve your spouse/partner or family and keep them informed. This will enable them to manage better if they should have to take charge of family financial matters. If your spouse or partner is the person who manages the family finances, talk to them about your family finances and plan for the future together.

Get advice

Better decisions are more likely to be made when a range of opinions and supports are considered. For a major financial decision, you can seek independent financial/legal advice. You should also seek the advice and opinions of trustworthy persons when making decisions. By consulting widely and talking with family and friends; you can become aware of all the potential decision-making options and make an informed decision.

Take your time

Not all decisions need to be taken immediately. In relation to financial affairs, you may be able to buy yourself more time by simply contacting your financial institution. You can inform them of any change in your circumstances, ask for their cooperation and patience while you assess your new position and reassure them that you are going to address any outstanding issues. It is unwise to make any decisions when your mood is low and you are struggling to cope. It may affect how you see things at that time and may lead to rash decisions being made that you later regret.

Guidelines for decision-making at critical life events

Two critical life events that may occur are serious illness and death of a spouse or partner. Here are some tips that may guide your decision-making in these circumstances.

In the event of death of a spouse or partner

The death of a spouse or partner may present challenges for which you are unprepared. Here are some practical tips outlining some of the immediate things that you must do following a death which occurs in places other than a hospital or nursing home:

- Contact the deceased person's GP and inform him/her of the death and ask for advice regarding obtaining a medical certificate stating the cause of death
- Make funeral arrangements:
 - Contact a minister of religion, as appropriate
 - Contact a funeral director or undertaker to assist you in the planning of funeral arrangements and other necessary tasks, such as, contacting a coroner

Short-term financial decisions

In relation to financial affairs you may temporarily incur increased costs as a result of funeral costs and you may find your income is reduced either temporarily or permanently. Here are some practical tips about what you may need to do, in relation to financial matters, following the death of a spouse or partner:

- Find out what household bills you have to pay and whether you have enough money to cover them
- If you do not have enough money to cover the bills, decide which bills are a priority and which bills are not
- If the household bills are in your spouse or partner's name, change them into your name by contacting the company. A standard letter requesting this change can be found on the Money Advice and Budgeting Service (MABS) Website: www.mabs.ie. For further information on how to contact MABS, please see Resources and Further Information at the back of this booklet.
- If you and your spouse or partner had a joint account, you should open an account in your own name in order to pay bills and so on
- Inform relevant organisations about the death of your spouse or partner. This should be done in writing. Some organisations that may need to be informed include:
 - The financial institution where the deeds and mortgage are held if the deceased had a mortgage
 - If the deceased lived in rented accommodation notify the landlord in order to change the names on the tenancy agreements
 - If the deceased had any insurance policies, notify all insurers

Longer-term financial decisions

In the longer term, you will need to prepare yourself to make financial decisions following bereavement. Here are some practical steps to take to help you in making these decisions:

- Assess your financial situation:
 - Review financial statements and documents
 - Assess whether your income covers all your expenses
 - Check any insurance policies held by you or your deceased spouse or partner
 - Check if you are entitled to any death related benefits
 - Find out about your pension rights and your tax or inheritance situation
- Use a budget plan to manage your finances. A sample budget planner is provided as part of the Keep Control Tools and Resources and is available for download from the Keep Control website: www.keepcontrol.ie
- Address any debt issues or money management problems:
 - If you are worried about mounting debts or unpaid bills or need more information about how to manage repayments or debts, visit the Money Advice and Budgeting Service (MABS) for advice, assistance and practical tools. For further information on how to contact MABS, please see Resources and Further Information at the back of this booklet

In the event of serious or critical illness

If you, or your spouse or partner, become seriously or critically ill, you should address the following:

- Make a Will by contacting a solicitor:
 - Decide who will benefit from any assets, money and possessions you have and what they will get
 - If you don't make a Will your money and assets may not be inherited by your spouse or partner and children. Instead your money and estates will be subject to certain rules depending on your marital status and family situation
- Create an enduring power of attorney:
 - This will give authority to person(s) that you trust to make decisions on your behalf, should you be unable to look after your financial affairs or other affairs in the future
- Notify your financial institution about your illness and discuss what action it will take when it is notified of your death
- Request the financial institution to continue to make payments from any account held jointly by you and your spouse or partner until new arrangements are in place

'We need to talk': Conversation starters and tips

It may be difficult to start a conversation with someone about the possibility of becoming ill or dying. You may find it helpful to mention other people's situations, a relevant newspaper article that you read or a website that you have come across as a way of kick starting the conversation in a general manner. These conversation starters and tips are intended to encourage you to find the right words and the right time both for you and for those around you.

Top Tips:

Be prepared. Plan the conversation beforehand, and if you find it helpful, write down a few opening statements which you can bring with you to the conversation. Ask yourself some key questions:

- What is your purpose for having this conversation?
- What do you hope to achieve?
- What would be an ideal outcome?

Never make a decision on the spot. This is your money and you have the right to take your time in considering what is best for you. State clearly that you will not make a decision straight away, that you will consider your options and discuss them with your family/friend/financial advisor/solicitor. It is also strongly recommended that you bring a pen and paper with you into the conversation so that you can take notes about what is discussed and what is agreed.

- "It's best to make decisions about the future now while I'm able. If I become ill or am not able to make decisions, it will make life easier for all of us"
- "I want to make sure that you know now what decisions I would like made on my behalf. This will make life so much easier if, in the future, I become unable to tell you what I want myself"
- "I think we should talk about our finances. That way if anything happens to either of us, the other person will know all the details and be able to access all the documents"
- "I'd like to talk to you about our finances. If something happens, I just want to make sure that you're in the picture and you can access all the details. I've made a list of all the financial information such as bank accounts, savings accounts and so on and I've stored it in [name of place]. That way you can get it if you ever need it to manage our finances"
- "I've decided to set up an enduring power of attorney which would allow you to make decisions on my behalf if I become unable to do so"
- "I think it would be a good idea if you knew what I would like to happen if I suddenly became ill. Like what care and treatment I would like. Could we talk about it sometime soon? When would suit you?"
- "Have you heard about the Think Ahead form? Basically it helps you to think about your wishes for the future and helps you to record them. Why don't we have a look at it together?"
- "Why don't we look at the Think Ahead Form to make a start on putting our wishes in writing?"



Chapter 6

Doorstep Security

What is doorstep security?

The vast majority of older people are safe when answering their front door and have nothing to fear from strangers who are calling for legitimate reasons. However, on rare occasions, some older people may be targeted for burglary and/or scams.

Doorstep security is about protecting yourself against people with criminal and abusive intentions, who call uninvited to the place where you live. With the right information, advice, resources and tools, you can help to protect yourself. In this way, you can live without fear, keep control of your home and maintain your social connections with your friends, neighbours and your community.

Why do I need doorstep security?

The majority of times when a stranger calls to your door it is for a legitimate reason. However, on rare occasions, callers to your door may also be bogus callers with criminal and abusive intentions. Sometimes bogus callers may attempt to gain entry to your home using force or violence. However, it is more likely that they will employ more subtle ways of getting into your home.

Bogus callers

Bogus callers or bogus workers are people who try to con or trick their way into your home to steal from you. They may try to con or trick you into giving them your money or possessions. Bogus callers may try to gain entry to your home under false pretences.

For example:

- They may pretend to be an official from your gas or electricity company or from the local council and claim that they need to check the safety of water, gas or electricity
- They may be a dishonest salesperson who is using extremely pushy, persuasive and persistent selling techniques to persuade you to buy something that you may not need or which is not a good deal

- They may pose as a charity worker, or as someone needing help. For example, they may be someone with a hard luck story claiming to need to borrow some money
- They may claim to need to use your telephone in an emergency or they may even claim that their football is your back garden

Bogus or rogue tradespeople

Bogus callers may also pretend to be a professional tradesperson such as roofer, guttering expert, painter, gardener and so on. They may try to convince you that you need urgent repairs done to your home. Such people are sometimes referred to as bogus tradespersons or rogue traders. If successful in convincing you to employ their services, they may demand a deposit to buy materials to carry out work and then disappear. Alternatively, they may carry out unnecessary work but to a poor standard, or they may appear to carry out work while actually doing very little. They will charge excessive amounts of money for these substandard services.

Bogus callers may use subtle and intimidating tactics into forcing you to 'sell' to them what they want and force you into signing receipts for the sale of an item to them. They may also attempt to get into your home to steal money or valuables by creating a distraction or diversion so that an accomplice can get inside undetected while your attention is elsewhere. This is known as a distraction burglary.

Protecting myself on my doorstep

Although it may be frightening to think of all the ways in which you can be at risk of exploitation in your own home, it is important to remember that most callers and strangers are genuine callers who pose no threat to your safety. However, it is difficult to distinguish between genuine callers and bogus callers at first glance. 'Bogus callers', 'rogue traders' or 'distraction burglars' can be male, female, old or young, and may come individually or in a group. By taking simple measures and being cautious at your doorstep, you can help to protect yourself against those few people whose motives are to steal your money or valuables.

Here are some tips to keep in mind so that you can protect yourself on your doorstep:

Keep control

Remember it's your doorstep and you are in control. You have the right to refuse entry to someone and the right to ask someone to leave. You should not feel afraid or embarrassed to do so. If they refuse, call the Gardaí.

Put yourself first

Although you may like to chat to callers or feel good about being helpful to callers in need, remember that you must put yourself first. Do not feel embarrassed or that you are rude or uncaring by saying 'no' – your own safety is more important.

Be cautious

Always be cautious about people who you don't know, calling to your home. Before you open your door to strangers, it is important to perform checks to ensure that the person poses no threat to you. Legitimate callers such as officials from your gas or electricity company or a charity fundraiser will always present an identification card giving their name and details. Ask them to leave their contact information. This will allow you to check their identification by calling the company they claim to represent. You can then consider whether you wish to avail of their services and contact them if you wish. Use the Garda Calling Card which is provided as part of the Keep Control Tools and Resources and available for download from the Keep Control website: www.keepcontrol.ie

Take advice

If you are contacted with what seems like a good deal, don't be afraid to take advice before making a decision to buy or invest. Ask your family and friends what they think.

Take your time

Don't feel under pressure or be rushed into making a decision. A genuine offer is unlikely to require you to make an instant decision. Take your time to decide whether the product or service, and the terms offered, are right for you.

If in doubt, keep them out

If you are not sure about your caller's intentions, the safest course of action is to keep them out.

Report it

If you are concerned about unwanted callers, report these concerns to the Gardaí immediately. If you are ever unfortunate enough to have been the victim of burglary or a scam, it is important to report it. Do not feel embarrassed or ashamed to do so. People who have successfully targeted an older person's home may do so again if the crime goes unreported. Reporting it can stop it happening again.

Guidelines for doorstep security

Here are some steps you can follow to keep yourself safe in your own home:

Securing my doorstep

- Make sure your home is secure with good quality locks and chains on the doors and windows and strong rear and front door frames
- Keep front and rear doors locked at all times, day and night
- Don't let someone you don't know into your home
- Exercise caution when answering or opening the door to strangers

- Always check to see who is calling before opening the door
- Make sure you have some way of safely checking callers before answering the door. For example, through a closed porch door, door chain or a door viewer:
 - If you are returning into your house to retrieve something or to verify identification of a caller make sure you close and lock the door behind you. You should do this even if the caller is waiting on the doorstep
 - Only chain your front door when you are planning to open it. Keeping a chain on all the time may prevent services from entering in an emergency
- It is never advisable to keep large sums of money in your home. Instead deposit large sums in banks, building societies, credit unions, post offices and so on
- It is never a good idea to leave money, keys or valuables where they are visible from outside or where they can be easily found
- If you have any valuable possessions, it may be worth getting a small safe for your home. Alternatively, you may want to consider using a safe keeping facility such as a safety deposit box provided by a bank or by a private company
- Keep all financial statements and records, and debit/credit cards in a secure location
- Don't keep your cheque book and cards in the same place - a thief could use the card to forge your signature on cheques
- Make your house less visible from the outside by drawing curtains in the evening when you are at home. Upon entering your house in the evening, it is a good idea to draw the front curtains before switching on the lights. When leaving your home it is a good idea to draw the curtains at the back of the house so as to prevent somebody being able to see through your house from the front
- It is a good idea to invest in sensor lights for your house, front and back
- Keep a list of emergency numbers close to hand or stored in your mobile phone so that you can access them easily and quickly. Useful numbers include the Gardaí, medical or fire service, family, friends or neighbours. Use the Garda door handle which is provided as part of the Keep Control Tools and Resources and available for download from the Keep Control website: www.keepcontrol.ie
- Make sure your house is numbered clearly so that emergency services can find you quickly if necessary

Protecting myself against bogus callers or rogue traders

- If you are opening the front door to unknown callers, check to make sure that any other access doors are locked and any accessible windows are closed and locked
- Always ask callers for identification to verify that they are who they claim to be:
 - All legitimate callers such as officials from the gas or electricity company or charity fundraisers will have an identification card with their name and the name of the company/organisation they are representing
 - Ask them to call back at a specified later time which would allow you to verify their identification
 - Or, ask the caller to leave their details and tell them you will contact them if you require their services. Use the Garda Calling Card which is provided as part of the Keep Control Tools and Resources and which is available for download from the Keep Control website: www.keepcontrol.ie
 - Always look the number up in the phone book or use telephone directory enquiries or the internet to check the credibility of a caller - never use a number the person provides you with
- Do not engage with doorstep traders or callers that you do not know:
 - Ask the caller to leave their contact details that is: their name, address and number, and tell them that you will contact them if you wish to avail of their services
 - Ask traders for their contact details including their V.A.T registered number
 - Do not engage in conversation with a caller or allow entry to your home to a caller who is not prepared to leave their details with you
 - Remember that genuine callers will leave their details
- Put up a notice to say that you do not buy on the doorstep and place a 'no coldcallers' sign on your door. A window sticker is provided as part of the Keep Control Tools and Resources and is available for download from the Keep Control website: www.keepcontrol.ie
- Never sign anything at the door
- Never give out any personal details at the door, such as, bank account information, credit or debit card numbers, PIN numbers or passwords, social welfare number and so on
- Don't be pressured into buying or investing in something, inform the person that you need time to consider the offer
- Don't buy anything from callers who you have not bought from before and don't know whether they are reliable

- Don't agree to any work on your home on the spot. Inform the person that you need to talk to a family member or friend first
- Don't respond to flyers you receive through the letterbox offering cheap work on your home
- Don't respond to letters or emails from strangers or unknown sources asking you for money
- If you are unsure if your post or email is genuine, talk to about it with someone you trust

Warning signs of abuse

It is important to exercise caution when dealing with strangers who come to your door. Often someone may appear to be a genuine caller and you may want to give them the benefit of the doubt. However, some people may act in certain ways or make certain requests which should arouse your suspicions. Here are some examples:

- An uninvited caller is claiming that your house is unsafe and in need of urgent repairs
- A caller is reluctant to give you any of their details or gives you only some contact details
- The address provided by the caller has a PO box number and/or they only give you a mobile contact number
- A caller does not want to wait while you verify their identification
- A caller is putting pressure on you to buy goods or services or to sell them your valuables
- A caller insists that the offer is available for a limited period and insists on you signing up to the offer without giving you time to consider it
- A caller is demanding money in advance, to purchase the materials to carry out the 'necessary' repairs
- A caller asks you to keep their call confidential
- A caller asks you to pay in order to claim a prize or 'free' gift
- A caller has asked you to sign papers that you do not understand
- A caller has asked you for personal details such as bank account information, credit or debit card information, your social welfare number and so on

Protecting others

One way of deterring bogus callers is to have a strong community network whereby neighbours look out for neighbours and report any suspicious activities in their area to the Gardaí. If you become aware of bogus callers or rogue trades in your area you should inform the Gardaí as well as your neighbours and friends, especially older people, so they can be alert to the dangers. It is important to be aware of the signs that your neighbours, relatives or friends are being targeted by bogus callers in their own home. Here are some warning signs or symptoms which may suggest that somebody you know is being abused in this way:

- There are unknown callers to the person's home
- The person is buying unsuitable products and services
- The person is withdrawing large amounts of cash

General security at home

In addition to maintaining your security on your doorstep it is important to safeguard your safety when you have invited a professional tradesperson into your home to undertake work. Here are a couple of things to keep in mind:

- Always seek comparable estimates from other companies for any services offered. Friends and relatives may be able to recommend companies or tradespeople they have been pleased with
- Ask for an itemised written quotation, which includes the name and address of the trader, what work they propose to do and how much it will cost
- Make sure to verify the name and address of the tradesperson
- Ask for the names of persons and locations where they have previously worked successfully and which would provide a reference
- Never pay any money in advance in order for repairs to be carried out to your home
- Never accept an offer to drive you to withdraw money
- Never employ a person who insists on cash payment for services offered. It is a good idea to use a method of payment that is traceable
- It is not advisable to leave strangers, even bona fide workers, unsupervised in your home
- Take your time to decide whether the product or service, and the terms offered, are right for you

'We need to talk': Conversation starters and tips

It is advisable never to open the door to strangers. Always check to see who the caller is by using your door viewer/chain or looking out the window. If you are opening the door to a stranger, make sure your home is secure first and always use your door chain or limiter. Give the person the Garda Calling Card which is provided as part of the Keep Control Tools and Resources and available for download from the Keep Control website: www.keepcontrol.ie. This will help you to get the caller's contact details and to check their identification. Below are phrases that you can use with strangers who call to your door.

Tips for conversation with unknown callers

- "Actually I'm busy right now and I'm not interested"
- "I don't buy and sell on the doorstep"
- "I haven't got the money for any work around the house so I'm not interested"
- "Can you please give me your details? I need to check your identification and I'll contact you if I'm interested"
- "Here's a card to fill out your details"
- "I'm not going to make a decision today. Please leave your contact details with me including your V.A.T registered number and we'll contact you if we want to get a quote"



Resources and Further Information

Emergency contacts

An Garda Síochána

For emergencies call: 999 or 112 or contact your local Garda Station

Website: www.garda.ie

Health Service Executive

HSE Information Line: 1850 24 1850. Open Monday to Saturday, 8am to 8pm

Website: www.hse.ie

Email: info@hse.ie

You will be provided with the details of HSE staff in your local area that can help you. You may have the details of your concern referred to the relevant Senior Case Worker for the Protection of Older People in your area.

Planning ahead

Retirement Planning Council

Phone: 01 4789471

Website: www.rpc.ie

Email: information@rcp.ie

The Retirement Planning Council is a not-for-profit organisation which provides support, information and guidance to people planning for retirement. The council offers practical courses and seminars that talk through the financial and lifestyle changes retirement can bring and help people prepare for the time ahead.

Think Ahead

Phone: 0761 074 000

Website: www.thinkahead.ie

Email: Sarah.Murphy@hospice-foundation.ie

Think Ahead is an initiative of the Irish Hospice Foundation. It aims to guide members of the public in recording and registering their preferences in the event of emergency, serious illness or death. A copy of the Think Ahead Form can be downloaded from the website or by contacting your local Citizen's Information Centre for a free copy.

Legal and financial information and advice

Citizens Information Service

LoCall: 0761 074 000. Open Monday to Friday, 9am to 8pm

Website: www.citizensinformation.ie

The Citizens Information Service provides information on public services and entitlements in Ireland.

Financial Services Ombudsman

Lo-call: 1890 88 20 90. Open Monday to Friday, 10am to 1pm and 2pm to 5pm

Website: www.financialombudsman.ie

Email: enquiries@financialombudsman.ie

The Financial Services Ombudsman deals independently with unresolved complaints from consumers about their individual dealings with all financial service providers. It offers a free service.

Free Legal Advice Centre (FLAC)

Information and referral line: 1890 350 250. Open Monday to Thursday, 9am to 5:30pm and Fridays, 9am to 5pm

Website: www.flac.ie

FLAC has local centres throughout the country. It offers free and confidential legal information and advice to the public.

Keepingyourhome.ie

Mortgage Arrears Information Helpline: 0761 07 4050. Open Monday to Friday, 9:30am to 5pm

Website: www.keepingyourhome.ie

Keepingyourhome.ie is provided by the Citizens Information Board and the Money Advice and Budgeting Service (MABS). The website aims to provide comprehensive information on the services and entitlements available if you are having difficulties paying your rent or making your mortgage repayments.

The Law Society

Phone: 01 6724800

Website: www.lawsociety.ie

Email: general@lawsociety.ie

The Society is responsible for the education, admission, enrolment, discipline and regulation of the solicitors' profession.

Money Advice and Budgeting Service (MABS)

Helpline: 0761 07 2000. Open Monday to Friday, 9am to 8pm

Website: www.mabs.ie

Email: helpline@mabs.ie

MABS is the only free, national, confidential and independent service for people in debt or in danger of getting into debt.

The National Consumer Agency

Consumer Helpline Lo-call: 1890 432 432 or 01 4025555. Open Mon to Fri, 9am to 6pm

Website: www.consumerhelp.ie

The National Consumer Agency (NCA) is the state body with responsibility for the enforcement of consumer law. It promotes and protects the interests and welfare of consumers through impartial research and advocacy and provides consumers with information and advice about their rights and personal finance.

Solicitors for the Elderly

Phone: 00 353 1 6310360

Website: www.solicitorsfortheelderly.ie

Email: info@sfe.ie

Solicitors for the Elderly Ireland is an independent national association of solicitors and barristers concerned with improving the availability and delivery of specialist legal advice to older and vulnerable people, their families and carers.

General information and advice

Active Retirement Ireland

Phone: 01 8733836

Website: www.activeirl.ie

Email: info@activeirl.ie

Active Retirement Ireland enables retired people to enjoy a full and active life and acts as an advocate for them.

Age Action

Phone: 01 4756989

Website: www.ageaction.ie

Email: library@ageaction.ie / info@ageaction.ie

Age Action operates an information service on older people's issues and services throughout Ireland.

Age and Opportunity

Phone: 01 8057709

Website: www.ageandopportunity.ie

Email: info@ageandopportunity.ie

Age & Opportunity has a number of national programmes for older people including the Bealtaine festival, sport and activity programmes such as Go for Life, personal development workshops and anti-ageism training.

Alzheimer Society of Ireland

National Alzheimer Helpline: 1800 341 341. Open Monday to Friday, 10am to 5pm and Saturday, 10am to 4pm

Website: www.alzheimer.ie

Email: helpline@alzheimer.ie

The Alzheimer Society of Ireland works across the country in the heart of local communities providing dementia specific services and supports and advocating for the rights and needs of all people living with dementia and their carers.

Amen Support Services

Helpline: 046 9023718. Open Monday to Friday, 9am to 5pm

Website: www.amen.ie

Email: info@amen.ie

Amen Support Services Ltd. is a confidential helpline and support service for male victims of domestic abuse. Amen Support Services Ltd. offer information on legal and other remedies.

Friends of the Elderly

Phone: 01 873 1855

Website: <http://www.friendsoftheelderly.ie/>

Email: info@friendsoftheelderly.ie

Friends of the elderly is a volunteer based Irish charity that alleviates social isolation and loneliness of older people through friendship.

Irish Senior Citizen's Parliament

Phone: 01 8561243

Website: www.seniors.ie

Email: seniors@iol.ie

The Irish Senior Citizen's Parliament is a national organisation of older people that gives a voice to older people on the issues that affect the quality of their lives.

The National Centre for the Protection of Older People (NCPOP) at UCD

Phone: 01 7166467

Website: www.ncpop.ie

Email: ncpop@ucd.ie

The centre is funded by the Health Service Executive to undertake a programme of research into elder abuse in Ireland. Through the collaborative interdisciplinary team we aim to develop a knowledge base of Irish and international research to contribute to the development of policy, practice, and education. The NCPop website is a resource for all those working with or having contact with older people in areas such as health and social care, legal and financial services, as well as for older people themselves.

Senior Help Line

LoCall: 1850 440 444. Open daily from 10am to 10pm.

Website: www.thirdageireland.ie

Email: info@thirdageireland.ie

For the price of a local call, Senior Help Line offers a confidential listening service anywhere in Ireland for older people by older people.

Support and Advocacy for Older People (SAGE)

Phone: 046 955 7766

Website: www.thirdageireland.ie

Email: info@thirdageireland.ie

This is an advocacy programme run by Third Age for older people in residential care. Volunteer advocates listen to and represent the resident's views, providing one to one support and helping the older person to express their wishes, access their entitlements, and assert their rights. The service is also accessible by the family of an older person, friends, carers or a relevant professional.

Women's Aid

Freephone: 1800 341900. Open daily from 10am to 10pm

Website: www.womensaid.ie

Email: helpline@womensaid.ie

Women's Aid provides free and confidential support and information to women experiencing emotional, physical, sexual, and financial abuse.

Disclaimer note:

The contents of this booklet are provided as an information guide only and are intended to enhance awareness of elder financial abuse and to provide information on safeguarding your finances in later life. This booklet is not a legal document. It is recommended that a qualified professional person should be consulted for advice regarding any major legal or financial decisions or actions. While every effort has been made to ensure the accuracy of the information contained within this booklet, no responsibility is accepted by, nor liability assumed by or on behalf of the participating organisations for any inaccuracies, errors, omissions or misleading information.

If you would like to comment on this booklet, please contact:
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The photographs included in this booklet feature actors.

