

Financial Management and Abuse

Booklet for Caregivers





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About Option consommateurs

Founded in 1983, Option consommateurs is a not-for-profit organization whose mission is to help consumers and defend their rights.

Legal Information Hotline for Seniors:

514 598-0620, ext. 4338

www.option-consommateurs.org



Tips



Warning



New



Did you know?

About this Information Booklet

Option consommateurs is aware of the difficulties you can face as a caregiver, especially when it comes to managing the personal finances of a relative or friend, who is often a senior. We're also aware of questions you may have, for example, about financial abuse your relative or friend might experience.

This information booklet was prepared and published to help you resolve these issues and questions and to inform you of the resources available to help you.

We would like to extend our heartfelt thanks to the caregiver organizations interviewed in developing this booklet, in particular **Appui pour les proches aidants**, **Hay Doun**, **Regroupement des aidants naturels du Québec** and **Réseau d'action pour les aidants de Jeanne-Mance**. Your testimonials and advice have been invaluable. Thank you!

The Importance of Recognizing your Role as a Caregiver



WHAT IS A CAREGIVER?

You're a caregiver if you provide support to a relative or friend because they have any kind of disability, whether you're helping your spouse, your mother, your friend, or your neighbour.

In this role, you might have to manage personal finances, pay bills, or renew contracts with service providers, for example.

In 2012, in Quebec, there were more than one million caregivers¹.

In 2018, in Canada, almost one-quarter of people aged 65 and older provided care or help to friends and family members².



New!

The National Assembly recently enacted Bill 56³, the very first law concerning caregivers in the history of Quebec! It's a powerful symbol that recognizes your important role in caring for a vulnerable relative or friend.

¹ <https://statistique.quebec.ca/fr/fichier/portrait-des-proches-aidants-et-les-consequences-de-leurs-responsabilites-daillant.pdf>. (in French only)

² <https://www150.statcan.gc.ca/n1/pub/75-006-x/2020001/article/00007-eng.pdf>.

³ *An Act to recognize and support caregivers and to amend various legislative provisions*, assented to on October 28, 2020, by the National Assembly of Québec.

ARE YOU A CAREGIVER?

Have you thought about your tax credits?

You can claim provincial and federal tax credits and benefits for caregivers, such as the tax credit for caregivers and the Canada caregiver credit.

For more information

Revenu Québec:

www.revenuquebec.ca/en

514 940-1481 (Montreal)

1 855 291-6467 (elsewhere
in Canada)

Canada Revenue Agency:

[www.canada.ca/en/](http://www.canada.ca/en/revenue-agency)

[revenue-agency](http://www.canada.ca/en/revenue-agency)

1 800 959-7383

You've been appointed as mandatory by a relative or friend?

Under the provisions of the *Civil Code of Québec* concerning protection mandates (formerly mandates in case of incapacity), you can be reimbursed for certain expenses (parking fees, accountant's fees, etc.).

Caregiver and employee?

Being a caregiver can take a huge financial toll on you, especially when you have to reduce your work hours or even stop working.

If you're employed, talk to your employer about your role as a caregiver. Together, you can rearrange your schedule. And remember that under the *Act respecting labour standards*, you can take a few days off, whether paid or unpaid⁴.

For more information, contact the CNESST

www.cnesst.gouv.qc.ca/en

1 844 838-0808

⁴ Section 79.7 of the *Act respecting labour standards* states, for example, that "an employee may be absent from work for 10 days per year (...) because of the state of health (...) of a person for whom the employee acts as a caregiver, as attested by a professional working in the health and social services sector governed by the *Professional Code*".

Caregiving and Managing Personal Finances



MANAGING FINANCES AS A CAREGIVER

You might have to manage the finances of the senior you're helping. This is not an easy task and can be tricky.



Here are some useful tips:

- Make sure you have all the legal documents authorizing you to manage the personal finances of the person you're caring for, in particular a financial power of attorney in your name (see p. 7)
- Plan for the potential incapacity of the senior by inviting him or her to make a protection mandate (see p. 8)
- Understand the limits of your role as a caregiver (see p. 7)
- Check the senior's financial statements regularly
- Act with prudence, diligence, honesty, and loyalty
- Inform the senior and the other family members of the steps you're taking
- Allow the senior's family members to access his or her financial statements, without giving them any authority in this area.

If you have any financial or budgetary questions, contact your nearest **ACEF**⁵. To find an office, visit:

www.toutbiencalcul.ca/votre-association



⁵ ACEF stands for *Association coopérative d'économie familiale*.

THE IMPORTANCE OF THE POWER OF ATTORNEY AND THE PROTECTION MANDATE

FINANCIAL POWER OF ATTORNEY⁶

What is a financial power of attorney?

Generally speaking, a financial power of attorney is a form that you and the senior must complete and sign in front of an employee of his or her financial institution.

In this form, you're appointed by the senior to help manage his or her personal finances and represent him or her, when necessary, at the senior's financial institution. At the senior's request, you could be given a debit card so you can make transactions on his or her behalf.

Mandatory of a financial power of attorney: What are your obligations?

You must act on behalf of the senior you're caring for. Depending on the power of attorney granted, you can do various tasks such as pay current bills, renew investments, withdraw money, sell property, and even take out loans in the senior's name.



Please note!

It's very important that you carefully read the power of attorney granted to you so that you stay within its limits. If you exceed your authority, you could be committing abuse, including financial abuse!

⁶ This booklet only discusses the financial power of attorney. For more information on a general power of attorney and a special power of attorney, please consult our guide *A Complete Guide for Seniors: Managing Your Finances in Total Security* (Mettre lien Guide 2021).

As a mandatary, you're also legally required to report regularly to your relative or friend to inform and explain to the senior the actions you've taken on his or her behalf.

You must not place yourself in a conflict of interest. In particular, this means do not confuse the money of your relative or friend with your own. For example, you can't use your relative's or friend's account to pay your own expenses.

PROTECTION MANDATE

What is a protection mandate?

A protection mandate is given to relative or friend by persons of full age in anticipation of their incapacity to take care of themselves or administer their property, for example their finances.

It's made by notarial act or before a witness⁷.



Please note!

To appoint you as his or her mandatary, the senior you're caring for must first obtain your consent. Before you agree, make sure you can handle the responsibilities involved. If necessary, you can suggest that your relative or friend appoint several mandataries.

You've agreed to be appointed as mandatary?

What are your obligations?

First of all, you must, when necessary, request a medical and psychosocial assessment to have your relative's incapacity recognized⁸. You must then have the protection mandate homologated by the court.

⁷ If you wish to plan for the incapacity of the senior you're caring for, visit the Public Curator's website at: www.curateur.gouv.qc.ca/cura/en.

⁸ The purpose of this assessment is to certify that your relative or friend is incapacitated and unable to administer his or her property and care for himself or herself.

Once these steps have been taken, you will truly become the mandatory for your relative or friend. This means that you'll be required to make decisions on his or her behalf. These decisions must be made in the best interests of your relative or friend and according to his or her preferences. You must, as far as possible and without delay, inform him or her of these decisions.

You must not place yourself in a conflict of interest. This includes, for example, confusing your personal property or finances with those of the senior you're caring for.



Please note!

If you wish to relinquish your role as mandatory, you must provide a replacement or request that protective supervision be instituted with the Public Curator.



Did you know?

The *Act* that resulted following Bill 18's⁹ recent enactment by the National Assembly will increase your obligations as a mandatory. You will have to:

- render an account to the person designated for this purpose (currently, this is only required upon the death of your incapacitated relative or friend)
- maintain a personal relationship with your incapacitated relative or friend
- involve your relative or friend in all decisions made in his or her regard, according to his or her wishes and preferences to safeguard, as far as possible, his or her autonomy
- make an inventory of the property of your incapacitated relative or friend when he or she dies

⁹ *An Act to amend the Civil Code, the Code of Civil Procedure, the Public Curator Act and various provisions as regards the protection of persons* adopted on June 2, 2020. [Coming into force in June 2022.](#)



New!

If you're not yet able to act as mandatary for your relative or friend, you can become his or her temporary representative! Under Bill 18, which becomes law in **June 2022**, temporary representation of a person of full age who is incapacitated is a new assistance measure, which you may find useful as a caregiver!

The Public Curator can give you advice or guidance:

www.curateur.gouv.qc.ca/cura/en

1 800 363-9020

Financial Abuse of Seniors by Caregivers



As a caregiver, you may be financially abusing the senior you're caring for without being aware of it and without any malicious intent. Or you may suspect that the senior you're caring for is being abused by someone else.

It's therefore essential to know which lines should not be crossed, to spot the signs, and to know what resources are available to help you end this situation.

12 FORMS OF FINANCIAL ABUSE

A caregiver's financial abuse of a senior can take various forms:

- 1.** Misusing or stealing the senior's money or material possessions
- 2.** Pressuring the senior to gain access to his or her assets or receive compensation for helping with everyday activities
- 3.** Using the senior's personal information to access his or her finances
- 4.** Pressuring the senior to open a joint account or acquire a joint credit or debit card from his or her financial institution
- 5.** Forcing the senior to change contracts, powers of attorney, or a will for the caregiver's own benefit
- 6.** Borrowing money from the senior and then refusing to repay it
- 7.** Using emotional blackmail¹⁰
- 8.** Forging the senior's signature on pension cheques or other legal documents
- 9.** Preventing the senior from accessing his or her money
- 10.** Refusing to render account to the senior for the management of his or her personal finances
- 11.** Paying personal bills with the senior's money
- 12.** Buying any of the senior's property at unreasonable terms

¹⁰ See our short video on emotional blackmail:
www.option-consommateurs.org/reconnaitre-chantage-emotif-se-proteger.

7 SIGNS OF FINANCIAL ABUSE YOU SHOULD BE AWARE OF

Your relative or friend could be a victim of financial abuse by someone else if:

1. He or she no longer has enough money for living expenses (rent, groceries, etc.)
2. He or she receives calls from a collection agency
3. You notice unusual transactions on his or her bank statements
4. You notice that valuable items are missing from his or her home
5. He or she gives you little information about how he or she is managing his or her property
6. His or her behaviour changes (confusion, isolation, depression, new "relatives or friends")
7. He or she wants to change important legal documents (power of attorney, will, etc.)



Warning!

Signs of financial abuse can be gradual and difficult to spot. It's rarely an isolated event. Be vigilant, listen, and communicate regularly with the senior you're caring for!

How to respond to this situation

- Call the **Elder Mistreatment Helpline**: 1 888 489-2287 (a telephone help and referral line specializing in elder abuse)
- Contact the **Info-aidant de l'Appui service**: 1 855 852-7784 or info-aidant@lappui.org (counsellors are available to listen to you and help caregivers find solutions to their problems)
- Contact the senior's local **CLSC** (the CLSC is there to help the person and provide services in the event of abuse)
- Contact the **Commission des droits de la personne et des droits de la jeunesse**: 1 800 361-6477 (it deals with the exploitation of seniors. The victim's consent is not required to report the situation to the Commission).

You can also contact your local police department.





Useful Resources

Option consommateurs

514 598-0620, ext. 4338
info@option-consommateurs.org
www.option-consommateurs.org

L'Office de la protection du consommateur

1 888 672-2556
www.opc.gouv.qc.ca/en

Caregiver support *l'Appui*

1 855 852-7784
info-aidant@lappui.org

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