

Hull on Estate and Succession Planning Podcast #32

Canadian Conference on the Elderly continued

Posted on October 31, 2006

Suzana Popovic-Montag: Hi, and welcome to Hull on Estate and Succession Planning. You are listening to Episode #32 of our podcast on Tuesday, October 31st, 2006.

Welcome to Hull on Estate and Succession Planning, a series of podcasts hosted by Ian Hull and Suzana Popovic-Montag, that will provide information and insights into estate planning in Canada, from the offices of Hull Estate Mediation in Toronto, Ontario, Canada. Here are Ian and Suzana.

Suzana Popovic-Montag: Hi there, Ian.

Ian Hull: Hi Suzana.

Suzana Popovic-Montag: How are you?

Ian Hull: Just great.

Suzana Popovic-Montag: That's good. I thought we would just maybe continue on from our last podcast last week, Ian, when we were talking about the Elder law Conference that we attended in Vancouver on October 14th and 15th. It was a two-day conference that had a little bit of a program introduction the Friday before that Friday the 13th but really the meat of the presentations and the program was on the Saturday and the Sunday.

Ian Hull: In our last podcast, we talked about some of the detail of the program itself but we thought we would like to start this one just emphasizing a little bit about who the CCELS (The Canadian Center for Elder law Studies) are, as we said in our last podcast, they are a division of the British Columbia Law Institute, but it's one of these groups that have just so forward thinking and bringing together both resources and ideas for dealing with the elderly and the elder law issues. We thought we spend some time in this podcast about them and give people an idea and a little bit about their background. As we said in our last podcast, the heart and soul behind the conference itself was Laura Watts and, of course, the membership of the group and the association with the local bar here is tremendous but we just thought we'd spend some time. For example, I mean I was struck at the conference where we were shown a little thing about just what their mission was for example.

Suzana Popovic-Montag: And it really is quite a novel kind of way of thinking Ian, because they sort of identify their objectives as enriching and informing the lives of older adults in the relationship with the law, so you know how do the elderly people deal with our legal system? They want to help people to meet the increasing need for legal education, and research and in relation to the legal issues which have particular

significance for older adults, and of course they want to serve as a national focal point for this really emerging field. I mean they are really in the hub of it right here.

Ian Hull: So just some of the highlights of the past work that they have done, for example, in their chair Anne McLean for 2004-2005 put together a really great report in their first year. But even in their first year what they were able to accomplish, they established the Western Canadian Law Reform Consortium with other western law reform bodies. Their publication, as we talked about in previous podcasts and in our blogs on various issues, have been disseminated throughout the legal and non-legal community. They have presented these, and they have obviously pulled together this great conference. But you know its really, its one of these groups that if you don't know about them and if your in this area and your interested in the area, I think they're a must look into, so to speak.

Suzana Popovic-Montag: And they are certainly the go to organization I'd say when it comes to the elder law issue. And elder law is just some lingo that's really been developing over the last few years and its sort of what they call it a convenience shorthand expression that's used by lawyers to describe the related group of issues that older clients frequently seek advice on.

Ian Hull: So they went on to tell us a little bit about their role, and it's the role of the CCELS to adopt a somewhat larger perspective on what constitutes elder law and its' implications. And their starting point was one that they would share with local practitioners originally and then across Canada. The issues surrounding the changing demographics of the Canadian society with an increasingly aging population, and making the area of elder law more growing significance.

Suzana Popovic-Montag: The CCELS really is reform-minded, and it's able to, they believe critically assess the private law tools and techniques through which lawyers can assist their older clients. And I think that that's really helpful for us, we just aren't familiar with what's out there, what's available and it sort of gives us a perspective of being able to add that added value to our client relationships.

Ian Hull: And one thing speaking with Laura Watts at the conference and the idea that CCELS are truly sensitive to the existence of hidden issues, and we saw that at the presentations in the sense that the conference was really action-packed in the extensive issues that were being covered, but these hidden issues, things like we heard a great story about how the struggle with the elderly when they're in long term care facilities and the limits that are put on them on their liberty and so forth. These kinds of hidden issues were really highlighted at the conference.

Suzana Popovic-Montag: I just thought maybe we would just highlight some of the project work that the CCELS has been working on, and one of the things that I thought was particularly interesting was their Private Care Agreements between older adults and family and friends. And I thought that was just a very interesting initiative because we heard during the conference, I remember, Jane Medis was speaking in particular about some of these issues and how you know surprisingly they are arising frequently and part of the hidden issues that you just mentioned Ian, how we just, we really don't know what's going on behind the scenes. And to have these kinds of Agreements put into place so that people are talking about it, they are identifying it, they're bringing it to the forefront. I think that that's really going to be helpful.

Ian Hull: It seems like this is a good illustration of how we have to start to think about dealing with the elderly and that is to add a real level of communication into the process, and certainly a level of communication before the events. For example, if you end up and all of us have this potential prospect, into a long-term care facility, what discussions have we had with our family before we go into that facility? What kind of expectations do we have? Is it our expectation that we never go into one, and that we expect our family to keep us in 24-hour care at home? Or what are the sort of, and these are all the sorts of issues that this project that you are talking about, this idea of a Private Care Agreement between older adults and the friends and family members is really a great starting point to document some of your thoughts, and you want to do this documentation well before you're anywhere close to going into a long-term care facility. And we know, I know certainly with one family that we were just working with in a family conference, one of the main agenda items was not just the long-term care facility but talking with the family and working through the expectations of the two parents as to what would happen as their physical and mental health progresses. And it's really not that difficult of a challenge, if you are doing it when you are able-bodied physically and mentally, but boy, does it get tough when those two things give way.

Suzana Popovic-Montag: And actually that's a neat point because there was an important spin-off from this report on Private Care Agreements that led to the development of a brochure outlining just exactly what you said, the what-ifs that come to mind when seniors and caregivers are considering entering into a Private Care Agreement.

Ian Hull: I am always impressed with them, they've done some great work as we know on Reverse Mortgage issues, dealing with that with the elderly, and really I mean they are a great lobby group for legislative regulation and work with the government in terms of suggestions on a go forward basis. And with people like Laura Watts and others who are just really pushing these issues forward, I think the elderly are well serviced, and certainly in British Columbia and thank goodness that they've managed to bring a cross-country perspective by pulling this annual conference together.

Suzana Popovic-Montag: We also picked up some neat materials and I know we mentioned them in our earlier podcasts, so maybe we could just talk about some of the stuff that we thought from our perspective as Ontario Lawyers stepping into this foray, maybe we could just talk about some of those things that we came across Ian.

Ian Hull: I think one of the things that struck me, was that one of the kiosks was put on by the Vancouver Coastal Health Group and Amanda Brown is the Director of the Abuse and Neglect Response Resource. A lot of language here to describe what is really a fundamental issue of dealing with the elderly and this group as I think just a tremendous resource for individuals in these situations, they gave some great materials on how to access an adult for abuse, neglect and self neglect, talked about assessing the caregiver for abusive behavior, steps that you want to look for, it's almost like a checklist that they've put together.

Suzana Popovic-Montag: You know Ian, it's interesting because although the information really was geared I'd say maybe more towards, you know, the family physician, the nurse, the health care professionals that are involved with these individuals on a day-to-day basis. I think it really helps in providing a global perspective to all of us, no matter what profession we are in, no matter what it is we do. It's that issue identification kind of thing because you know statistically speaking, the numbers are up there and more and more elderly people, there are more and more responsibilities associated with taking care of people and we've got to be alert to that. And to have someone sort of say you know what, here's what to look for, and here's what you can do if you find something that you just don't think is acceptable. I think it's really important that those kinds of resources are made available.

Ian Hull: And I think it's just wonderful, I mean as I say this is innovative stuff and we were really pleased to be able to bump into it. The last resource that we thought we'd talk about today is a group that again we learned about at the conference, and they are called N.I.C.E. (The National Initiative for the Care of the Elderly).

Suzana Popovic-Montag: And that was really kind of a neat thing to run into because I don't think, I certainly haven't seen anything like that in the past. I'm not sure if you have but it really is an interesting concept. Because what it is, is that it's a network that is trying to bring together the three most important professionals who provide the social, the psychological and the physical care to older people in Canada.

Ian Hull: And this network, certainly you're right, I mean this kind of network is so fundamental but yet is really very community based if at all in some existences. I know in Toronto, for example, there is a group called SPRINT, which is a senior's association network that operates out of North Toronto, and they are terrific resources and really are a local example of N.I.C.E., the national version of it. But what they do at N.I.C.E., the network invites university educators from Gerontology, Nursing, Geriatric Medicine and the like to join a national partnership with their community counterparts who are currently providing the educational component of the practice in these programs. And so

they really, this group is bringing together some of the phenomenal resources that are out there in a more organized way.

Suzana Popovic-Montag: And what they hope to do is to get the community teams of the physicians, of the nurses and the social workers who are expected to share their best practices and their practice wisdom in order to be able to develop a research agenda for this group, they call themselves the N.I.C.E.

Ian Hull: Okay, well I think that probably covers as much as we can on the conference, and as we said, we enjoyed it thoroughly, I know it's been a couple of weeks since we were there and it seems like an eternity now that we're back in Toronto and running around in our busy lives. But I think it was, as I say, worth talking a little bit about on these podcasts and getting people to know that there's a lot of work being done out there to move these issues forward but there is also a ton of resources out there that you learn about everyday.

Suzana-Popovic-Montag: And I highly recommend the conference to anyone who's got any interest in these issues and as I said during the last podcast, they've set the date for next year's, so it's in November of 2007 and anyone who's interested should really look into it because it was just a wonderful program.

Suzana Popovic-Montag: Well thank you very much, Ian.

Ian Hull: Thank you Suzana.

You've been listening to Hull on Estate and Succession Planning with Ian Hull and Suzana Popovic-Montag. The podcast you have been listening to has been provided as an information service. It is a summary of current legal issues in estates and estate planning. It is not legal advice and you are reminded to always talk with a legal professional regarding your specific circumstances.

To listen to other Hull On podcasts, or to leave a question or comment, please visit our website at <http://estatelaw.hullandhull.com>

Our theme music is Up Tempo 14 by Gary and is courtesy of the Podsafe Music Network.