

Happy Families What to do when Siblings Can't Agree

"You're such an alarmist - Mom can decide herself if she needs help"

"I'm always stuck doing things for Mom - why won't my brothers help?"

"I'm power of attorney so I'll make the decisions!"

"The bank called - I'm no longer authorized to sign on Mom's account!"

Sound familiar? Even the most functional families have conversations like this - aloud or under their breath -and they are significant, since they represent some of the most typical - and most misunderstood - eldercare dilemmas.

Mrs. Pipes had always been famous for her energy, organization and hospitality, especially during the holiday season. When her son visited this Thanksgiving, it was the usual wonderful spread, but after dinner her daughter Kathie had something to discuss with her brother. On her weekly visits she noticed the house was messy, her mom wasn't always dressed, and appeared to be living on tea and toast. Bills and home repairs were being ignored, and sometimes when Kathie called, her mother seemed unsure who she was. Kathie's brother completely disagreed, pointing to the dinner table (unaware that Kathie had actually cooked the dinner to save her mom's pride).

"You're such an alarmist - Mom can decide herself if she needs help."

It's simplistic to say that Kathie is panicking, and that her brother is in denial; Kathie is too close to the situation, and her brother too removed from it. And what about Mom herself? Chances are she's also unwilling to face her limitations. Rather than bickering, here are some practical tips:

- Visit and observe Mom at different times of day; is she able to get herself dressed, manage medications, prepare meals, manage her business affairs?
- Choose a quiet time to share your observations in a non-judgmental way, and get her opinion on how she's coping
- Set up a routine that allows your mom her privacy, but has built-in observation points
- For example, between the cleaning lady, hairdresser trip, bridge club and weekly taxi-cab grocery trip, someone has subtly checked on her almost every day
- If Mom's difficulties are temporary due to an illness or recovery, consider a short stay in a retirement home where she can the care and social support she needs

If you still cannot agree on Mom's requirements, consider an independent assessment by a social worker, nursing agency or CCAC caseworker (www.oaccac.on.ca). Even if you aren't convinced that your parent needs help, do not deprive them of the assistance they're entitled to.

"I'm always stuck doing things for Mom – why won't my brothers help?"

Part of Kathie's reaction may be resentment that neither her two brothers offered any assistance with shopping, cleaning, medical appointments or support.

Caregiving support typically falls to daughters, and often increases by default, until the daughter is near the breaking point. Sons are reluctant to provide hands-on care, and are unsure about contributing in other ways. Here are some ideas:

- Get past the family roles. Kathie was always the little sister; although she was shouldering most of the burden, she was not conditioned to making demands in her brothers, and her mother 'wouldn't dream of bothering the boys'
- Speak up. Verbalize your feelings, even if it's in writing or via a third party, or resentments will fester
- Recognize the contribution. Kathie researched the market rate for her services; putting a dollar figure on her efforts made her feel more valued
- Lead with your strengths. Kathie was able to identify what her mom needed and match it to her brothers' skills and abilities. One brother took on all house repairs and set up electronic bill paying; the other brother agreed to fund the cab service and cleaning lady
- Back off! Kathie felt her brother was too slow with repairs and disliked the cab driver; however, her mom was perfectly content. Kathie had to realize asking for help meant relinquishing control – exactly what she'd been preaching to her mother!

"I'm power of attorney so I'll make the decisions!"

The Power of Attorney relationship is one of most misunderstood – and volatile – causes of sibling strife. Christina Blause, a Wills and Estates lawyer in Port Credit, Ontario, has some practical suggestions to head off sibling conflicts. She counsels clients to think very carefully when appointing Powers of Attorney for Property and for Personal Care. When most parents, wanting to be fair, plan to appoint all their children as joint attorneys, Christine asks them:

- a *joint* appointment means all siblings must agree – is that likely, knowing your family?
- appointing siblings *severally* means they can act solely or together – but they still may not agree, or unintentionally work at cross-purposes
- if a single attorney is appointed, that person must act in a *fiduciary* capacity to represent the parent's interests to the best of their knowledge. The attorney may indeed consult with siblings – and others – but the final decision is theirs

What happens if sibling simply cannot agree? Christine suggests consulting a trained mediator to identify the source of the conflict and obtain a resolution. The final remedy is the Consent and Capacity Board of the Public Guardian and Trustee; the board bases its ruling on the contents of the parent's Will, and if the appointed attorneys do not comply, the board will have them removed. Strong remedies – so sort it out, kids! For more information, consult the Power of Attorney kit supplied by the Ministry of the Attorney General. Copies of the Power of Attorney Kit can be obtained from [The Ministry of the Attorney General](#) or any [Office of the Public Guardian and Trustee](#) by calling 1-800-366-0335, (416) 314-2800 in Toronto or your Member of Provincial Parliament (MPP).

“The bank called – I’m no longer authorized to sign on Mom’s account!”

The Johnson family had not been a happy one. When Mrs. Johnson’s dementia sent her to a retirement home, her husband did not thrive alone and opted to sell their home. Their son Bob was his mother’s Power of Attorney for the sale, and had assumed most of the bill-paying for both parents. A small hitch in the house closing brought Bob and his dad into their lawyer’s office. ‘The closing will be delayed 2 weeks’ – and Bob blurted out, ‘But I’ve already ordered my new truck!’ That was his dad’s trigger to quietly make a change to his own Power of Attorney arrangements, replacing Bob with his older son Steve, who lived in northern Labrador. When Bob’s cheque for his new truck, written on his parent’s joint account, was refused by the bank, his lawyer explained to him:

- under the Substitutes Decision Act of 1992, an attorney is appointed for Property or for Personal Care ‘if they become unable to make these decisions themselves’
- quoting the Act, ‘incapacity refers to mental incapacity. It means that the person is unable to understand information that is relevant to making a decision or is unable to appreciate the reasonably foreseeable consequences of a decision or lack of decision’
- a person can only be deemed mentally incompetent by a medical doctor or qualified capacity assessor, not by anecdotal evidence or at the discretion of the appointed Attorney

Clearly, Bob was not acting in a properly fiduciary manner with his mother’s funds, but her mental incompetence prevented her from realizing it, or making a change. In Mr. Johnson’s case, the new Power of Attorney documents automatically revoked the previous documents, and he had no obligation to inform his son Bob of the change.

As Tolstoy said, ‘all happy families resemble each other, but each unhappy family is unhappy in its own way’. With a bit of planning and common sense, make sure your family is a happy one.

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www.eldercarecanada.ca