



Northern Virginia Older Adult Counseling Cognitive Health Assessments

Social Work Support for Lawyers Working with Older Adults

- Northern Virginia Older Adult Counseling (OAC) social worker, Shirley Metzger, LCSW has extensive experience conducting cognitive health assessments required to establish a client's capacity for informed consent. Such assessments may be relevant to determine an individual's capacity to execute documents such as Trusts, Powers of Attorney (health and financial), and wills.
- OAC provides cognitive health assessments using validated assessment tools, including the Montreal Cognitive Assessment, the Geriatric Depression Scale, as well as a multi-question Social Work Memory Health Assessment. These tools are designed to assist in evaluating whether an individual has the legal capacity to execute various documents and understands the ramifications of signing specific legal documents.
- Cognitive health assessments are not necessarily needed for older adult clients who execute or amend legal documents. An attorney may conclude that his or her older adult client has capacity to execute legal documents. Cognitive health assessments are appropriate, however, when the attorney has concerns that a client may not have the requisite mental capacity or when the attorney anticipates that other individuals may subsequently contest his client's legal capacity to execute a document.
- Concerned family members, or others, may request that an attorney consider preparing revised documents to be executed by an older adult. The attorney may not have the opportunity to meet and observe the older adult and have limited participation in the execution of the documents. The circumstances, including the family's motivations, may give the attorney cause for concern as to his client's capacity for informed decision making.
- OAC cognitive health assessments have a specific focus, that is the client's ability to understand what a document states. It is important to distinguish this threshold from evaluations required in legal guardianship and conservatorship proceedings. Typically, physician's statements or a neuro-psychology evaluation is necessary to establish a conservatorship or guardianship for an individual who lacks capacity for managing personal financial, medical, and psycho-social affairs.
- In summary, OAC's cognitive health assessment will provide valuable information to the attorney and support the validity of documents by attesting to the capacity of the principal to give informed consent.