

13<sup>th</sup> June 2024

## Neuropsychology Assessment and Capacity Report

Name: Edith [REDACTED]  
Assessment: 13.06.2024

I am 39 years old.

The new solicitor was Dennis Barton at Fox and Staniland. He used this report to further abuse my mother's condition to convince the NCAT member to dismiss my hearing.

Evidence demonstrates my mother has been reliant on Elaine taking her to doctor's appointments and since 2021.

Mrs Edith [REDACTED] requested the current neuropsychology assessment to review her capacity to manage her financial affairs and make her own decisions, including appointment of Power of Attorney and Enduring Guardian. Edith had recently engaged a new solicitor who had requested an updated review of Edith's cognitive capacity to make her own decisions regarding legal matters.

Edith attended the assessment with her sister Elaine Lung. Elaine was present during the initial interview only.

Edith is a 75-year-old left-handed retired architect. Edith has a diagnosis of early-stage Alzheimer's disease. Her husband died four years ago, and Edith now lives in low-level residential care at Hammond Care. Edith has one child, her 38-year-old son Lee [REDACTED]

### Previous Neuropsychology Assessment, 7<sup>th</sup> September 2023

I saw Edith for an initial neuropsychology assessment on the 7<sup>th</sup> September 2023. She had been referred by her treating psychiatrist, Dr Joanne Wright, to determine Edith's cognitive capacity to manage her financial affairs as there had been family conflict regarding Edith's financial and decision-making capacity. Her initial neuropsychology testing revealed impairment in Edith's orientation, verbal memory, and verbal fluency. There were some mild fluctuations, but not impairment, in her attention. Edith's cognition remained intact in the areas of working memory, language skills (apart from verbal fluency), visuospatial and constructional skills, visual memory, and executive function. The cognitive profile was in keeping with Edith's diagnosis of early-stage Alzheimer's disease.

Elaine failed to disclose to Dr Breen that she and her son in law charge my mother money for their services.

At her initial neuropsychology assessment, Edith demonstrated that she understood the role of a Power of Attorney/Enduring Power of Attorney, and gave a reasonable account of her financial position and assets. Edith provided a detailed account of changes she had made to her Power of Attorney and her reasons for the changes. Her account was consistent at both the start and end of the assessment, with a 3-hour interval between these conversations. Formal testing had revealed that Edith's reasoning and decision-making skills remained intact in the *Average to High Average* range, and she was appropriately able to adapt her responses when the information, or situation, changed. Based on all of these findings, it was my opinion that Edith retained capacity to understand and weigh up information, options, and consequences required for financial decision-making capacity.

The results from her initial neuropsychology assessment indicated that Edith did not have a level of cognitive impairment that required her Enduring Power of Attorney to be enacted, but would require some support and assistance with day to day financial matters due to her unreliable verbal memory. Edith was supported by her sister Elaine and Elaine's son-in-law with paying bills and managing her financial accounts. Edith had insight regarding her memory problems, was aware that she needed some assistance to keep track of her money and bill payments,

It's evident that Elaine is exploiting my mother's condition by influencing her before she sees the doctor. I reassure my mother every week that all I've ever wanted was confidence her money is being managed properly, yet the report accuses me of elder abuse.

Sadly I naively trusted Elaine and Grahame too

Unbelievable! This line sums up everything, **my mother has no idea why she is even doing these tests!**

**I have finally obtained evidence proving that Elaine is the source of all these lies and allegations against me. These accusations are entirely false.**

I do not have any AVOs against me, as I would have been notified if there were.

All of my disputes with Robert Holt are documented online, and I see no reason why he would feel the need or have evidence the need to obtain an AVO.

Grahame has not reached out to me at all throughout this entire situation.

He has been unhelpful and contributes nothing to the process.

I don't understand why my mother insists on involving him, I suspect Elaine is encouraging Grahame's involvement because it further alienates me from my mother.

To me this line about 'threatening to starve myself to death' is so appalling. When the accountant, who I introduced to my mother and I considered a friend, turned hostile towards me, I was so stressed that I couldn't eat, bewildered by the sudden betrayal of my former friend.  
**I confided in Elaine, my mother, and her family about my inability to eat, hoping to illustrate the physical toll the stress was taking on me. It is incredibly hurtful and evil that my mother and aunt would essentially weaponize my pain against me.**

This statement is From my mother stating I want to 'take over her money and life' is entirely false and contradicted by emails sent to her previous solicitor, Robert Holt.  
I am eager to mediate with my mother without Elaine's influence, which is the opposite of getting my mother declared mentally incapacitated as it demonstrates I have confidence in her.  
Elaine is essentially pressuring me to have my mother declared mentally incapacitated. Meanwhile, Elaine and her son-in-law will bill my mother to further estrange her from her only child.

Edith [REDACTED]

and was appreciative of the supportive family arrangement in this regard.

Edith and her sister Elaine described behaviour of Edith's son, Lee [REDACTED], that was concerning and indicative of elder abuse. He had repeatedly demanded that he be put solely in charge of Edith's financial affairs, repeatedly told Edith that she was 'mentally incompetent', and had made threats including that he would 'starve himself to death' unless he in charge of her financial affairs. Edith was concerned about Lee's capacity to make decisions that were in her best interest and said that Lee wanted to 'take over my money and my life'. Edith had previously appointed her sister Elaine [REDACTED] and her son Lee to both be her Power of Attorney and Guardian, and recently added her brother-in-law Graeme [REDACTED] as a third Power of Attorney. Edith said she had added Graeme as she trusted Elaine and Graeme and felt that decisions in her best interest would be made when at least two of her three Power of Attorneys were in agreement. Edith said she did not want to remove Lee as a Power of Attorney as she did not want to alienate him or make their relationship more difficult than it already was.

*Interview with Edith and her sister Elaine [REDACTED]*

Edith initially could not recall why she was undergoing the current assessment, but when Elaine reminded her that she had a new solicitor then Edith recalled that her previous solicitor was retiring and her new solicitor had requested an updated assessment of her capacity to make decisions regarding legal matters. Elaine added that Edith's previous solicitor was no longer willing to represent Edith as the solicitor had been threatened, intimidated, and harassed by Edith's son Lee to the point that the solicitor took out an AVO against Lee. Edith's accountant had also taken out an AVO against Lee for the same reasons.

Edith said that Lee had made an application to NCAT as he wanted to be her sole Power of Attorney and have Graeme [REDACTED] and Elaine removed as Power of Attorney. NCAT considered the matter in March 2024 and dismissed Lee's request. Edith said that Lee had told her he intended to put in another application to NCAT on the basis that the NCAT decision was unfair. Elaine confirmed these events.

Edith said she wanted to make a change to her Guardian/Enduring Guardian. She currently has her sister Elaine and her son Lee appointed as her Guardians/Enduring Guardians and Edith wanted to add her brother-in-law Graeme [REDACTED] to be a third Guardian/Enduring Guardian. She wanted Graeme added "as a safeguard" as she trusted him and she was confident that Graeme and Elaine would both make decisions in her best interest. She did not want to remove Lee as her Guardian as "he would have a fit" and it would be detrimental to their relationship.

Edith did not want to make any changes to her Power of Attorney/Enduring Power of Attorney at the time of the current assessment. Prior to her previous assessment in September last year Edith had added Graeme [REDACTED] to her Power of Attorney/Enduring Power of Attorney, in addition to Elaine [REDACTED] and Lee [REDACTED]. Edith and Elaine both noted that Lee had, to date, refused to sign the updated Power of Attorney papers.

Edith said she did not want to make any changes to her Will although wanted to ensure that the set amount that she had allocated to various people in her Will kept up with inflation.

Edith said that Elaine and Elaine's son-in-law Scott continued to assist her with day-to-day financial matters and bill paying, and Edith was happy and grateful for this assistance and trusted these family members.

Edith was insightful regarding her diagnosis of early-stage Alzheimer's disease and aware that her memory was slowly declining. She denied any other cognitive concerns.

Elaine said that Edith's short-term memory had continued to decline but there had been no change in her language skills or decision-making capacity. Edith continued to use her phone as a memory aid and she writes notes and sends herself messages on her phone as reminders. Elaine takes Edith to her appointments and calls her the day before to remind her of the time she will pick her up. Edith continues to use her mobile phone without any problem, including email, the calendar, google maps, and the Uber app. Elaine confirmed that Edith remained very competent using her mobile phone. To attend the current appointment, Edith organised to catch an Uber to Elaine's house and then Elaine drove her to the appointment. Edith also organises an Uber to take her to Lifeline each Wednesday to do volunteer work.

Edith has not had any new health concerns over the past nine months since her previous neuropsychology assessment. Her medications remain the same. She continues to manage her stoma care herself. Edith has remained independent in activities of daily living.

Edith reported normal mood and denied feeling sad or depressed. She reported normal sleep and a good appetite. She has continued to find the meals provided at Hammond Care rather unappealing but frequently goes out for

**I have consistently, from the very beginning stated my mother needs oversight And the power of attorney generated in 2021 be invoked vote for her protection. I am extremely relieved I finally found hard evidence that supports my very realistic concerns. If I signed whatever documentation Robert Holt created, it would validate the behaviour.**

God knows what Elaine what could/would convince my mother to sign. She's already demonstrated she values money at a familial relationships. This is something I need to investigate further.

No disclosure that the sister, Elaine and her son-in-law are receiving payment for their services.

I am so relieved to discover the report that stated my mother suffered from depression in 2021 which contains zero mention of myself. It's clear I am not the source. It's disgusting that if you tell a lie enough it seems to become true.

It's convenient that Elaine forgot to tell Dr Breen that I also attend joint therapy with my mother on Tuesdays.

More lies from Elaine. Fact is she is the one that is maintaining a control over my mother's finances and exploiting my mother financially.

The 2021 Neurology report discovered stated my mother suffered from depression.

Edith [REDACTED]

meals with her sisters and buys food to eat at home. Her weight has remained stable over the past nine months since her previous assessment. Edith goes on 20-minute walks every day holding hand weights and also regularly goes on walks with her sisters. Edith incorporates some stand/sit exercises into her daily routine.

Elaine agreed that Edith was not depressed but said that Lee's behaviour upset Edith and that she sometimes cried when she felt overwhelmed with Lee's demands to control her finances and his behaviour toward herself and Elaine. Elaine showed me mobile phone messages that Lee had sent her that were extremely abusive, threatening, and aggressive. Edith confirmed that this information was true, and Edith said that she was comforted and grateful for the support of her siblings.

Edith enjoys the company of her friends at Hammond Care and they play scrabble every day and she attends concerts, quizzes, and bingo nights at the centre. Edith sees her sister Elaine 3-4 times per week, sees her sister Margaret every Sunday, sees her sister Robyn every Wednesday and Friday, and sees her sister Yvonne every Friday. Edith has lunch with her son Lee on Tuesdays. Edith volunteers at Lifeline on Wednesdays with her sister Robyn and helps clean books for resale. Edith remains an avid reader.

*Interview with Edith on her own*

Edith accurately described the role of a general Power of Attorney, an Enduring Power of Attorney, and an Enduring Guardian. She gave a summary of her current finances and assets that was consistent with her previous account in September 2023. She accurately recalled who she had appointed as her Power of Attorney/Enduring Power of Attorney and as her Guardian. She gave a consistent account of the change she wanted to make to her Enduring Guardian and the reasons for the change.

To ensure that Edith was consistent and reliable regarding her understanding of her current Power of Attorney and Enduring Guardian situation, I questioned her about her understanding, wishes, and reasoning at both the start of the assessment and the end of the assessment. Her responses remained consistent, with a three-hour interval between the conversations.

Edith reported that her son Lee had repeatedly told her he wanted to control her finances as she was not mentally capable because of her dementia. Lee had made verbal threats, such as telling Edith he would "starve himself to death" unless he was put in charge of her finances. Edith said she was not scared of her son Lee and he had not physically threatened her. Edith was aware that Lee had sent her sister Elaine many threatening text messages. Edith currently sees Lee once a week and she said that she wanted to continue to do so to maintain her relationship with him. Edith said that Lee had alienated himself from her sibling and other family members and she was concerned about his social isolation.

*Additional medical history*

Edith's current medications include Donepezil, Valproate, and Pantoprazole. She has no history of hypertension, hypercholesterolemia, head injury, cardiac illness, or hallucinations. She has never smoked and does not drink alcohol. She has no history of mental health or psychiatric issues.

*Education, employment, and social history*

Edith was born in Sydney and English is her only language. She has a Bachelor of Architecture and a Master of Architecture, both from the University of Sydney. She worked full-time as an architect until she retired at age 65 years.

*Presentation*

Edith presented as well-groomed and neatly dressed. She had a quiet but cheerful demeanour, her mood appeared euthymic, and her facial affect was reactive. Her behaviour was polite and socially appropriate throughout the assessment. Her speech was fluent and no word finding difficulty was evident in conversation. She was insightful regarding her medical history and current situation. Her comprehension was intact at conversational level. She had reading glasses but only requires them for very small text. She reported normal hearing. She has longstanding essential head tremor.

Edith coped well with the demands of the cognitive testing. She was cooperative and put forward a good effort throughout the assessment.

*Neuropsychology Tests Administered:*

Addenbrooke's Cognitive Examination (ACE-III)  
Repeatable Battery for the Assessment of Neuropsychological Status; selected subtests  
Wechsler Adult Intelligence Scale (WAIS-IV); selected subtests

I absolutely hate Elaine for what she has done/doing. I stand by every hate filled message I sent her.

I trusted this woman I need to discover from the very beginning of the process she was spreading malicious lies about me undermining me every step of the way. This woman is actually my family!

Before I discovered the truth about Elaine undermining my efforts, I was unfairly blaming my mother. This was heartbreaking for me. I knew she couldn't understand why I was angry/frustrated with her because of her condition.

This is Factually incorrect. My mother Retired at the age of 55 when she sold the business she built with my father aged 70.

On the Addenbrooke's Cognitive Examination (ACE), Edith scored 82/100. On the extracted Mini-Mental State Examination (MMSE), she scored 23/30. I also administered the Montreal Cognitive Examination previously. She scored 22/30. There was primarily ready forgetfulness and difficulties with tasks requiring abstraction and executive function.

Edith [REDACTED]

Wechsler Memory Scale (WMS-IV); selected subtests  
Rey Complex Figure Test  
Doors and People test; selected subtests  
Boston Naming Test  
DKEFS letter fluency tests  
Brixton Spatial Anticipation Test  
Trail Making Test  
Depression Anxiety Stress Scales (DASS21)

#### Neuropsychological Test Results

The following descriptive terms and equivalent percentile ranges are provided to facilitate an understanding of Edith's test performance:

Descriptor	Percentile Range within Age Group
<i>Very Superior</i>	within the highest 2%
<i>Superior</i>	91 <sup>st</sup> – 98 <sup>th</sup> percentile
<i>High Average</i>	75 <sup>th</sup> – 90 <sup>th</sup> percentile
<i>Average</i>	25 <sup>th</sup> – 74 <sup>th</sup> percentile
<i>Low Average</i>	9 <sup>th</sup> – 24 <sup>th</sup> percentile
<i>Borderline Impaired</i>	2 <sup>nd</sup> – 8 <sup>th</sup> percentile
<i>Extremely Low/Impaired</i>	within the lowest 2%

In 2021 my mother scored 82/100 on a ACE test in April 2021 and scored 84/100 on a ACE test in June 2024. So my mother's condition has improved, does that mean Dr Breen has discovered medical miracle, a patient who's Alzheimer's improved over time!?

Based on her education, employment history, and performance on a reading test designed to measure premorbid IQ, I estimated Edith's premorbid (baseline) intellect to fall within the *Average to High Average* range. The following results were interpreted within this context.

Edith was oriented to the day, month, and year, but not to the date (she thought it was the 26<sup>th</sup> rather than the 13<sup>th</sup>). She could not recall the name of the Australian prime minister but correctly named the USA president.

Edith showed an improvement on the Addenbrooke's Cognitive Examination (ACE-III) compared to the previous assessment. She scored 84/100 which was below the cut-off for dementia (<88) but higher than her score of 75/100 in September last year. She lost points on the memory, verbal fluency, and orientation subtests (attention 15/18; memory 18/26; fluency 9/14; language 26/26; visuospatial 16/16).

Edith performed at her expected level on tests of attention, working memory (ability to hold information in mind and manipulate it), and processing speed, with *Average* performance on all of these tests. She did not show the variability in attention span that was evident at the previous assessment.

Edith continued to demonstrate preserved comprehension, sentence writing, and word and sentence repetition. She performed at her expected level, and in the *High Average* range, on tests of object naming and verbal abstract reasoning. She showed improvement on tests of verbal fluency, including *Average* letter fluency (previously *Low Average*) and *Low Average* semantic fluency (previously *Borderline Impaired*).

Visuospatial and constructional skills remained intact. Edith had no difficulty on tests of dot counting, identification of fragmented letters, or identification of line drawings of objects. She correctly copied overlapping infinity symbols and a cube. Her clock drawing was accurate, and she correctly inserted the hands to show a requested time. Her copy of a complex geometric figure was excellent, and she performed at her expected level on a block construction test.

Edith's performance on the ACE-III memory screening measures remained consistent with the previous assessment. She was able to retain a small amount of information over a short time interval, with 3 of 3 words recalled after a 2-minute delay. She showed memory decline over longer intervals, with only 2 of 7 components of a name and address recalled after 15-minutes, although she was correct for 5/5 recognition questions.

On formal memory testing, Edith showed improvement on a word list memory test. Her ability to learn the words over repeated trials was *Average* (previously *Low Average*) and her recall of the words after a delay was *Low Average* (previously *Impaired*). Her recognition memory for the words remained intact, with *Average* recognition memory at the current and previous assessments. Edith's memory for information in story format remained consistent with the previous assessment, with *Average* immediate recall of the stories and *Borderline Impaired* delayed recall of the stories.

Edith showed a mild reduction in her memory for complex visual information compared to the previous assessment. Her recall of a complex geometric figure was *Average* (previously *High Average*). Edith's visual recognition memory remained consistent with the previous assessment, with *Average* performance on a picture recognition memory test.

Edith continued to demonstrate very robust executive function skills, with improvement on some tests compared to the previous assessment. She demonstrated excellent reasoning and problem-solving skills on tests of spatial reasoning/problem-solving (*High Average to Superior* performance) and abstract verbal reasoning (*High Average*). Her capacity for mental switching and multi-tasking was *Average*, and her verbal generativity on tests of letter fluency was *Average*. Consistent with the previous assessment, Edith demonstrated intact planning and organisational skills in her approach to copying a complex geometric figure.

Edith's responses on a self-report mood questionnaire indicated a moderate level of depression. She did not report elevated levels of anxiety or stress. At the previous assessment Edith had reported a moderate level of depression and anxiety and a mild level of stress.

*Opinion*

The neuropsychological profile of this 75-year-old woman revealed impairment in verbal memory and mild reductions in orientation and semantic (category) fluency. This occurred against a background of otherwise preserved cognition, including attention, working memory, processing speed, naming, comprehension, visuospatial and constructional skills, visual memory, and executive functions (reasoning skills, problem-solving, mental flexibility, letter fluency, and planning/organisational abilities). Edith's score of 84/100 on the ACE-III dementia screening tool remained below the dementia cut-off (<88) but had improved compared to the previous assessment when she scored 75/100. Edith also showed improvement on neuropsychology tests of verbal memory, attention, orientation, and verbal fluency compared to the previous assessment.

The history, presentation, and cognitive profile remained consistent with the diagnosis of early-stage Alzheimer's disease. It is possible that the mild improvements in some aspects of Edith's cognition compared to the previous assessment are secondary to the improvement in her self-reported anxiety and stress compared to the previous assessment.

*Capacity to manage financial affairs, make own decisions, and instruct a lawyer*

Edith understood the role of a Power of Attorney/Enduring Power of Attorney and Guardian/Enduring Guardian. She gave a detailed and accurate account of her current appointment of family members in these positions, her reasons for choosing these people, and her reasons regarding her current decision to add her brother-in-law Graeme Gow as a third Guardian/Enduring Guardian. Her reasoning remained consistent and logical at the start of the assessment and at the end of the assessment, with a three-hour interval between these discussions. Formal testing demonstrated that Edith's reasoning and decision-making skills remained entirely intact, and in the *High Average to Superior* range. Based on all these findings, it remained my opinion that Edith retained capacity to understand and weigh up information, consider options and consequences, and make her own decisions. It was also my opinion that Edith retained capacity to instruct a lawyer and make her own decisions regarding Power of Attorney/Enduring Power of Attorney and Guardian/Enduring Guardian.

Edith's cognitive impairment remained mild and specific to her verbal memory. She does not have a level of cognitive impairment that would require enactment of Enduring Power of Attorney or Enduring Guardian. Edith had insight regarding her memory difficulties and appreciated the ongoing support provided by her sister Elaine and Elaine's son-in-law Scott who assist her with day-to-day financial matters.

I remain concerned about the reported coercive tactics and intimidation that Edith's son, Lee Underwood, has continued to exert over Edith, and the aggressive harassment he has displayed toward her sister Elaine. Edith's accountant and former lawyer took out AVO's against Lee due to his threatening behaviour. I discussed my concerns with Edith and reiterated the importance of informing trusted family members, her GP or other medical specialists, or staff at her residential care facility if she felt unsafe, threatened, intimidated, or at any risk of physical violence. Edith stated that, at this stage, her priority was to retain her relationship with Lee, who is her only child.

*Wambreen*

Nora Breen MSc PhD FCCN  
Senior Clinical Neuropsychologist

Considering the doctor bought the lie that I have two AVOs, wouldn't be common sense to ask if Elaine also had an AVO Given she had seen my 'threatening' communications.

It's like she believes AVOs are given out like junk mail.

Unfortunately what I feared has come true. The lawyer is using this compromise report to exploit my mother further. This report is essentially a licence to exploit my mother legally. It is completely unacceptable!

It's clear my mother wants a relationship with me.  
  
It's a shame that all the people that surround I have opted to exploit her condition and insecurity to alienate her from her only child for their own financial means.