

# MACARTHUR LEGAL CENTRE CAMPBELLTOWN HOSPITAL

## Health Justice Partnership

### KEY FIGURES

Our 12-month review of this pilot project (conducted in March 2019) indicates that **73% of clients were assisted with elder law and end-of-life planning issues** (wills, enduring powers of attorney, enduring guardianship, advanced care directives etc.). The remainder were assisted with a mixture of family law, domestic and/or family violence, estate administration, superannuation and other issues. **74%** of clients required assistance with more than one legal issue. **76%** of clients had incomes under \$30,000, with **56%** suffering from terminal illness. **60% of clients assisted said they would not have sought legal assistance elsewhere, had it not been for our free service.**

### TYPICAL FEEDBACK

Here's an example of feedback we receive from HJP clients

*Meeting Andrei and Milka has given us peace of mind about legal matters that were worrying us, and it is greatly appreciated. We are so amazed and happy at the friendly and convenient way in which Andrei and Milka have assisted us. Thank you for coming to Palliative Care, as my partner would not have been able to attend the office.*

### CASE STUDY

A social worker at Camden Hospital contacted Macarthur Legal Centre on behalf of a terminally ill patient who required some urgent legal advice and assistance in relation to her superannuation and life insurance. The client was in palliative care. MLC attended the Hospital and saw the client on-ward. We advised the client, as requested, and also enquired about her Will, Enduring Power of Attorney (EPOA) and Enduring Guardianship (EG). The client said that she already had an EPOA and EG and that she had updated her Will two weeks prior, at a private law firm (costing her \$1000). The client said that her eight-year-old daughter would live with her mother when she passed, as she believed it was in the 'best interests' of the child. We asked if her Will contained a testamentary guardian clause, with this direction. The client said that her private solicitor removed it from her Will as the child's father may contest it.

We advised that the father may contest it, however, if a Testamentary Guardian clause was absent then the automatic presumption would be that the child's father would have sole parental responsibility after her death. The client was shocked and upset. MLC advised that if she wished for her daughter to live with her grandmother once she passed, the Will should be redrafted to include a Testamentary Guardian clause. The client showed MLC a copy of her Will (drafted by the private solicitor), and we found that it contained so much 'legalise' that the client could not even understand its terms. We explained the client's Will to her in plain, simple English, and she then instructed us to prepare a new Will.

We prepared a new Will, in accordance with her new instructions, which included a Testamentary Guardian clause. We also advised the client generally about family law and assisted the client with her superannuation and life insurance forms. MLC spent six hours assisting the client, at short notice, under trying conditions (the client's family were arguing amongst themselves while we were assisting). Hospital staff provided assistance, by managing the client's family, while we worked with the client. The client was very grateful for MLC's service and said that it had given her peace.

**Service/partner organisations:** Macarthur Legal Centre and Campbelltown Hospital (including Camden Hospital, Palliative Care Unit and Campbelltown Cancer Therapy Centre).

### PURPOSE

The primary focus of our HJP is early intervention and timely referrals – assisting patients with their legal issues and needs as quickly as possible BEFORE their legal issues escalate and BEFORE they lose mental capacity to give clear instruction.

### INNOVATION

Macarthur Legal Centre (MLC) solicitors are based at Campbelltown Hospital every Friday and provide free and confidential legal advice, legal assistance, support and referrals to inpatients and outpatients. MLC solicitors also attend Campbelltown Hospital, Camden Hospital and Palliative Care Unit, and the Campbelltown Cancer Therapy Centre on an ad-hoc basis, as required in urgent cases.

The model encapsulates the WHO definition of Health as a "state of complete physical, mental and social well-being and not merely the absence of disease or infirmity" – enabling social well-being via access to constructive legal support/services.

Research has found a positive correlation between unresolved legal problems with poor health outcomes, which are often provoked or exacerbated by patient stress and anxiety (Sandel et al. 2010, Weintraub et al. 2010).

Access to legal support services for patients attending hospital is an important measure to ensure not just physical and mental well-being, but also social well-being and social justice for patients who are often from marginalised and disadvantaged communities.

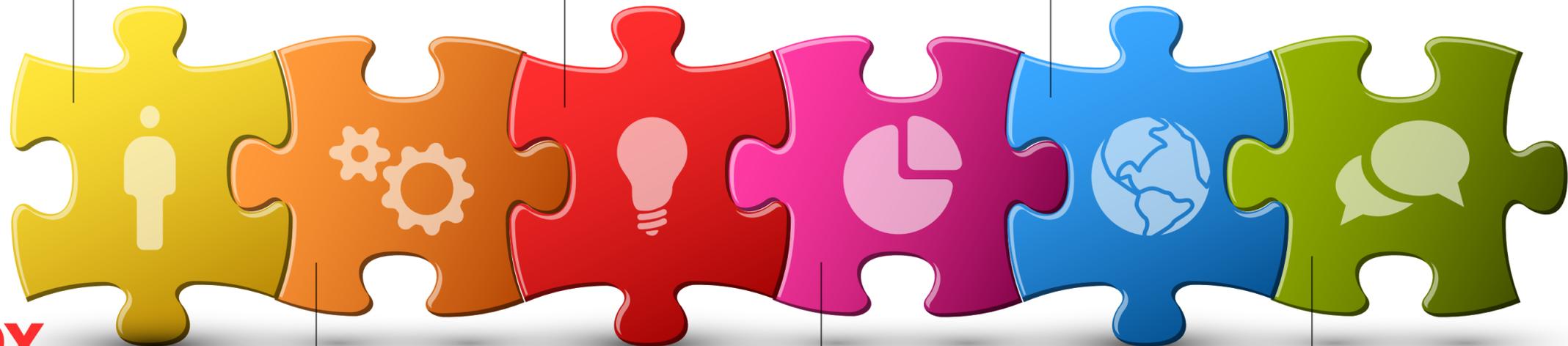
Our HJP is a collaborative approach to problem solving non-clinical aspects of health in an environment in which the patient/client feels comprehensively supported.

### CHALLENGES

Patients of Campbelltown Hospital, Camden Hospital, Palliative Care Unit, and Campbelltown Cancer Therapy Centre who were from marginalised and/or socioeconomically disadvantaged communities, found it difficult to access much needed legal support, urgently, if their legal issues escalated while they were a patient in hospital.

Research indicates that patients experiencing socioeconomic hardship or other vulnerabilities may not identify that certain problems are legal in nature (Wintraub et al. 2010). Further, once the issues escalate patients often approach non-legal services including health and other government services for support (Sandel et al. 2010).

Social Workers at Campbelltown Hospital, Camden Hospital, Palliative Care Unit, and Campbelltown Cancer Therapy Centre are often working with patients in the above scenario. Prior to the HJP, the only referral option available was legal assistance in the community. This would occur if patients were well enough to attend an appointment, private solicitors would outreach to the hospital, or if patients had capacity to pay. Most of the vulnerable patients in Campbelltown Hospital, Camden Hospital, Palliative Care Unit and Campbelltown Cancer Therapy Centre were unable to take up either option.



### MAKING A DIFFERENCE

The HJP has addressed the issue of accessibility, in particular, timely access to legal support for all patients of Campbelltown Hospital, Camden Hospital and Palliative Care Unit, thereby, decreasing the stress and compounding problems associated with unresolved legal matters. The HJP covers several different areas of law and data for our HJP indicates over 70% of HJP clients to date required a Will, Enduring Power of Attorney and/or Enduring Guardianship. A majority of these clients were vulnerable and had terminal illnesses (and/or were receiving end of life care); were financially disadvantaged; and/or, were elderly.

All HJP clients are provided with legal advice and where possible legal documents are drafted and executed the very same day. This is crucial because sadly, several patients that have been assisted through the HJP have passed away very soon after their HJP appointment and in some cases, the very next day.

The timely assistance with end of life issues through our HJP has impacts beyond the clients assisted. In addition to giving them peace of mind at a difficult time it can also ensure that loved ones that are left behind are not left in a legal limbo by ensuring instructions of the client are clear and legally binding. In a sense this early intervention can also save families from problems involved in intestacy and/or the need for applications to the NSW Civil and Administrative Tribunal for Financial Management or Guardianship Orders.

### LESSONS LEARNED

Our program is unique, because of our focus on 'end-of-life' legal issues, and seems to be meeting unmet legal need in the community. Provision of timely, accessible and compassionate legal services, can help give terminally ill patients peace of mind, at a difficult time in their life journey, and can also improve outcomes for family groups at the same time. Good working relationships, across legal and health teams, being key to our success.

Our HJP has improved health outcomes for the community, and provides easy access to legal services for patients who might not otherwise have been able to access them due to:

- Patients being unaware that their issue is a legal matter/problem;
- Financial disadvantage;
- Patients being unable to travel to a solicitor for advice and assistance (due to the patient receiving end of life care, having a terminal illness, physical impairments, disability or otherwise);
- Language barriers (CALD clients) – In these cases, we are able to organise a phone interpreter or work collaboratively with hospital staff to arrange a staff member to translate (with the client's consent) face-to-face.

Overall, our HJP provides a comprehensive response to patient concerns, through an interdisciplinary approach to patient/client wellbeing.

### CONTACT US

Contact us to find out more...

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Supporting our community



Health  
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INNOVATING AT THE INTERSECTIONS  
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