Investigating the psychometric properties of the Financial Assessment and Capacity Test (FACT) within the UK ABI inpatient population

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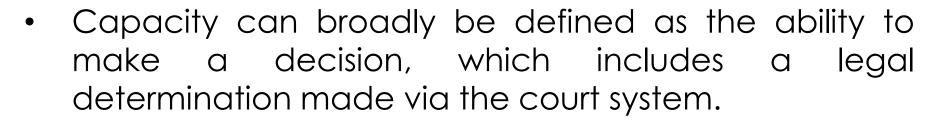
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- Health care professionals are increasingly requested to make decisions regarding brain injured patient's capacity to manage financial matters.
- Financial competence may be the best single indicator of the capacity to live independently.





 A review of relevant studies found highly heterogeneous definitions and subjective measurements of decisional capacity. Most studies involve the capacity to consent to treatment, but very few address financial competence, especially pertaining to ABI patients.

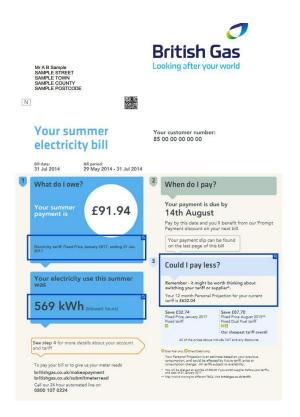


 The use of subjective judgement based methods are mainly followed by clinicians during capacity assessments.



- Few assessment instruments or procedures are designed to assist with the objective assessment of financial competence. Currently, in the UK information regarding an individual's ability when assessing for financial capacity is presented subjectively e.g. MCA2 Record of Mental Capacity Assessment.
- This assessment is not quantifiable, therefore, cannot be numerically measured.





 In addition, the area of "finance" is so broad it is difficult to tease out specific difficulties. Especially if a patient may present with suitable skill manage daily management but may lack ability within higher executive functioning tasks such as paying bills, managing savings and bank account.

### **Financial Capacity Assessment**



What is Current Practice? What is Good Practice?

### Financial Capacity Assessment



#### Financial Capacity and Financial Capability

Financial capacity is the ability to make a decision about how to use your money, whether this is about spending weekly state benefits on basic life necessities or more complex decisions such as investing money in property, stocks or shares. However a person may be deemed as lacking financial capacity because they don't have the financial capability to carry out the decision at hand. One reason might be because they've never had the opportunity to learn or be educated on the relevant decision. For example, it may be easy to assume that someone with a brain injury who lacks a particular skill is lacking that skill due to the injury but perhaps they never had responsibility for making financial decisions within their household.

Consideration must be given as to whether the person may be able to learn relevant information applicable to the decision as well as ensuring that there is an exploration as to why the person is unable to make certain decisions.

- How much is known about the person's understanding and experience of managing finances?
- What support do they require, is it about the provision of information; will they benefit from specific education or training?
- Are there opportunities from them to practice spending money or work out how to use it?
- Is there an opportunity to access a local training course?

### Financial Capacity Assessment



#### Assessing capacity to make financial decisions

There are 3 different types of situations that require an assessment of the person's capacity.

- Decisions that require an informal assessment of the person's capacity to make a
  particular financial decision. This applies to everyday decisions such as buying a
  new coat or a pint of milk. If the person has capacity, they can make the decision.
  Carers and support workers must have a "reasonable belief" that the person
  lacks capacity to make the particular decision before they can act in the person's
  best interests.
- Specific financial decisions that require a more formal capacity assessment that
  the assessor will want to be recorded. For example, a professional deputy who is
  responding to a request from their client for money to purchase an expensive item.
  A family member acting as deputy may also want to do this and keep a record.
- Somebody may want to know which specific areas a person is finding difficult in managing their finances overall, so that they can suggest support or they may need to consider if the person requires an appointee, deputy or if they have capacity to appoint an attorney. For example, a person with dementia who is losing the ability to manage their finances.

## Financial Capacity Assessment: Current MCA2



- MCA 2 form is not specific; used for a variety of decisions
- Mirrors closely the Court of Protection (COP3) form

#### What kind of decision is it?

#### Significant Decision (MCA 2)

- · Go beyond a person's daily routine or way of life
- · Medical treatment
- · Dental treatment
- · Treatment minimising life threatening situations
- Dysphagia management
- Spending money for more than usual necessities
- · Managing bank accounts
- Spending short periods away from home
- · Limiting activities the person would normally choose to do
- Family contact and/or information sharing
- Bringing new people into a person's life
- Conditions/situations impacting health i.e. smoking, diabetes etc
- Consent to treatment including medication and covert administration
- Instructing solicitors
- · Police involvement or interview
- · Future placements

### Financial Capacity Assessment: Current MCA2



#### This MCA assessment must adhere to the Act's 5 key principles:

- Every person aged 16 years and over has the right to make his or her own decisions and must be assumed to have capacity to make them unless it is proved otherwise.
- A person must be given all practicable help before anyone treats them as not being able to make their own decisions.
- Just because an individual makes what might be seen as an unwise decision, this does not necessarily mean they lack capacity to make that decision.
- Anything done or any decision made on behalf of a person who lacks capacity must be done in their best interests.
- Anything done for or on behalf of a person who lacks capacity should be achieved in a
  way that is least restrictive of their basic rights and freedoms.

What prompted this assessment a  Serious medical treatment  Care Review	Change of accommodation Safeguarding Adults Procedures	Finances  Other – please state
		Who requires it? What choices are n deciding one way or another, or

# Financial Capacity Assessment: Current MCA2 Cygnet



#### CYGNET HEALTH CARE MCA2 - RECORD OF MENTAL CAPACITY ASSESSMENT

What is the exact decision to be made Can it be delayed? Is there a likelihor making this decision?			
Stage 1 – Diagnostic Threshold			
Does the Individual have an impairm functioning of, their mind or brain?	ent of, or a disturbance in the	Yes	□No
What is the individual's presenting co Unconsciousness Autistic Spectrum Disorder Mental Health Issues Other Cognitive Impairment	Dementia Learning Difficulties Acquired Brain Injury	Other (please	e state)

## Financial Capacity Assessment: Current MCA2



#### Stage 2 – Functional Assessment

The statutory test from the Mental Capacity Act (2005) is designed to establish whether the impairment or disturbance in the mind or brain is the reason that the individual lacks capacity to make that particular decision at the time it needs to be made. Guidance on addressing the ability of the individual to undertake the necessary four statutory elements of reaching a decision can be found in the MCA 2005 Code of Practice paragraphs 4.14 to 4.25. Seek to explain to the individual the purpose of this assessment, including all necessary information and all available options to help them make a decision (for example the pros and cons, the consequences of taking, or not taking the action). You should use simple language and any aids that you consider might assist the individual's understanding. Keep a record of aids used.

1. Does the person have an understanding of the relevant	Please provide evidence supporting the outcome, including the person's responses and quotations where appropriate.	Outco	ome
information relating to the decision? This includes the nature of the decision, the reason why the decision is needed and the likely		Yes	
effects of deciding one way or another, or making no decision at all.		No	

## Financial Capacity Assessment: Current MCA2 Cygnet



Is the person able to retain the information long enough to use it to	including the person's responses and quotations where appropriate.	Outco	me
make an effective decision?		Yes	
		No	
3. Is the person able to weigh up the relevant information and use it to	Please provide evidence supporting the outcome, including the person's responses and quotations where appropriate.	Outcon	ne
arrive at a decision?		Yes	
		No	
4. Can the person communicate his / her decision in any way (e.g. by	Please provide evidence supporting the outcome, including the person's responses and quotations where appropriate.	Outcon	ne
talking, sign language, other form of communication)?		Yes	
		No	





#### **OUTCOME OF THE CAPACITY ASSESSMENT**

Select the relevant statement below, either A or B	(Tick)
I regeonably believe that the individual lacks canacity to make this particular	

A. I reasonably believe that the individual lacks capacity to make this particular decision at this particular time.	
Does the individual have a valid and applicable advance decision or is there another person that has the authority to make this decision (for example a Lasting Power of	Yes 🗆
Attorney or a Court Appointed Deputy)?	No □
If <b>YES</b> , then contact the attorney or deputy to discuss the decision that needs to be made.	
If <b>NO</b> , then a decision will need to be made following the best interest process (use the Best Interest Meeting Record Form).	
Please confirm that a best interest meeting is being organized by inserting the date of meeting. Minutes of the meeting and decision made should be attached to this MCA2 form.	Date//

Or

(Tick)

B. I reasonably believe that this individual has the capacity to make this particular decision at this particular time.  The decision that the individual has made is recorded below	

### Financial Capacity Assessment: Functional



#### Is P unable to understand the relevant information?

It is not necessary that P understands <u>every</u> element of what is being explained to him. What is important is that P can understand the "salient factors"<sup>14</sup>: the information <u>relevant to the decision</u>. The level of understanding required must not be set too high. <sup>12</sup> This means that the onus is on you not just to identify the specific decision (as discussed above) but also what the information is that is relevant to that decision, and what the options are that P is to choose between. We give examples of the kind of information that has been held by the courts to be relevant (and irrelevant) to some of the more common health and welfare decisions in the annex to this Guide.

Further, you must not start with a "blank canvas." In other words, you must present the person you are assessing with detailed options so that their capacity to weigh up those options can be fairly assessed. <sup>13</sup> This is particularly important where a person's particular impairment may make it more difficult for them to envisage abstract concepts. But it is also important to give the person sufficient information about the options that they are being asked to choose between so that they are given the opportunity to understand (if they are capable of doing so) the reality of those options. In other words, and to take a common example, you should not simply seek to assess a person's ability to decide between living at home and living in a care home in the abstract, but rather by reference to what continuing to live at home would be like (for instance, what care package would the relevant local authority provide) and what living in an actual care home would be like.<sup>14</sup>



#### Understand the person's situation

It is important to recognise the impact a change in a person's capacity or their ability to make a decision has. For some individuals their capacity may have changed slowly over a period of time, others may experience a sudden event that changes their ability to make their own decisions, for example after a brain injury. Some people may be in the process of learning new information, which they may be struggling with.

Empathy and recognising the difficulties someone is experiencing is crucial within supported decision-making. Generalised statements such as: "they lack insight"; "they just don't see that they can't live the life they previously did" do not demonstrate an attempt to understand the person's situation but rather come from the perspective of others knowing best. Recognising that it takes time to be able to adjust to a life-changing event or for a person to learn new things is vital in gaining trust and enabling someone to state or understand what is difficult for them.

#### Consider if practical help may be needed

Consider if a person needs practical support. For example, for a person who has capacity about how to organise a third party mandate form that would allow another person to operate their finances on a temporary basis. This would give them authority to deal with everyday transactions and can be useful, for example, if a person is recovering from a period of ill-health which makes it difficult for them to go to the bank. Or would an individual's capacity be enhanced if they had practical help with budgeting or banking.

#### Allow sufficient time for the person to make the decision

Consider the use of decisional supports. These are other people or tools that support decision-making. None of us make decisions in isolation or immediately unless the situation requires this. We speak to family, friends, colleagues, use the internet for research, social media and so on. Therefore it would be unrealistic to expect someone who may be struggling to make some decisions not to need the same type of time and support. Consider who may be able to work with the person over a period of time on the relevant decision. This may be a paid professional or someone the person knows well and feels comfortable with.



#### Capacity to choose who supports you with your finances

Whilst a person may be unable to make a decision that is directly about managing their finances, for example, where a substantial sum of money is involved, but they may still have the capacity to choose who supports them. The best interests decision will be made by the appointed person (a deputy, attorney or appointee) but must include the person as far as possible and practicable. A decisional supporter, such as a family member or advocate, can spend time with the person exploring their wishes and preferences and support the person to decide who they want to support them with their money.

#### Props/scenarios

The use of props or scenarios, such as bank statements and utility bills, are likely to be more beneficial when there is some knowledge of the person and how the person understands information, communicates it or expresses a choice. Consideration should be given to offering a scenario the person is most likely to be familiar with; asking questions about past choice and decisions; what was important about those, including the relevant factors. These will need to be as person-centred as possible.

#### Benefits of a money plan/financial passport



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#### Benefits of a money plan/financial passport



- Developing a financial profile
  - Questions focused on essential bills, debts, investments, daily activities, personal care items, regular purchases, holidays
  - Example questions:
    - Q: Are you in full receipt of your benefits?
    - Q: Have you had any help to get the benefits you may be entitled to?
    - Q: Do you need any help to get the benefits you are entitled to?
    - Q: Does anyone owe you money?
    - Q: Can you always pay for essential items? Q: Do you sometimes run out of money? What happens
- Areas of unmet financial needs
  - is geared to enable the assessor to consider what else the person may benefit from, whether this needs to be funded, where funding can be sought from if required and whether specific welfare advice or support including access to specialised appeal agencies (advice or appeal agencies, solicitors etc) or advocacy is needed.



- Recognition and awareness of money
  - Questions should be focused on finding out whether the person understands the relative value of notes and coins and that money is required to pay for items.
  - Actual coins and notes should be used to explore money recognition.
  - Example questions:
    - Q: How much money do you have in you purse/pocket?
    - Q: What are you planning on spending it on? Q: What are these coins/notes?
    - Q: Point to a coin/note and ask 'how much is this worth?'
    - Q: How much does (items person has named) cost?
    - Q: Show £10 note, ask "how much is this and what could you buy?"
    - Q: If you had a £34.50 bill to pay but you wanted to buy new jeans that cost £29 what would you do?



- Relative value of things
  - focuses on the person's understanding of the relative value of items.
     Questions should be focused on what the person's experience is and what they are likely to know/understand
  - Use real objects or photographs whenever possible
  - Example questions:
    - Q: What is more expensive a pint of milk or a packet of cigarettes?
    - Q: What costs less breakfast at the local café or a computer?
    - Q: If you wanted to buy a new iPad and a new shirt, which would cost more?



- Management/ Control of Money
  - Looks at areas where the person does have control and areas where they could be supported to be independent.
  - How does the person currently use or spend their money?
  - Does the person have any control over their finances currently?
  - Example questions:
    - Q: What do you spend your money on?
    - Q: If you need extra money how do you get that?
    - Q: Does anyone provide you with help to manage your money?
    - Q: Are you happy with the help you get with this?
    - Q: Is there anyone in your family or a good friend that you trust who could help you with your money?



- Does the person know their approximate income/ benefits
  - Considers how much information the person either knows or can comprehend about what their available funds are.
  - Example questions:
    - Q: Can you tell me how much money or income you have coming in every week/ month? Roughly how much?
    - Q: Where does that money come from? (eg benefits, interest, pensions etc).
    - Q: What do you need to use this money for? Q: Can you show me on your bank statement what is money coming in and money going out of your account? Q: Are you overdrawn at the bank or in credit?



- Balancing responsibilities
  - Examines a person's understanding of their responsibilities but also considers their personal values and how the person makes decisions.
  - Questions should identify what the person currently spends their money on as well as what is a priority for them.
  - Example questions:
    - Q: You have an electricity bill to pay, how do you do that?
    - Q: What happens if you don't pay the electricity bill?
    - Q: Which of these has priority, paying the bill or going out with friends/to the local pub?
    - Q: What is important to you about your chosen option?
    - Q: If you saw a new (item person may want to buy) for £30 but had to spend £30 on food. What would you do?
    - Q: What would happen if you didn't have enough money to pay a bill?
    - Q: What would happen if you got into debt?



- Budgeting and planning
  - supporting someone to make financial decisions and explore any support they may need in ensuring the decision is their preferred outcome
  - Example questions:
    - Q: How do you budget your money?
    - Q: What are the essential things you need to pay for every week/month?
    - Q: How do you make sure those things are paid for?
    - Q: How do you decide what to spend your money on?
    - Q: Do you ever run out of money? What happens then?
    - Q: What would you do in a crisis i.e. if you had no money?
    - Q: Would you like/do you have help with budgeting?



- Security and PIN
- Example questions:
  - Q: Can you remember your PIN for your debit/credit cards (not that you're asking them to tell you what it is)
  - Q: What do you do to help you remember your pin?
  - Q: If not how do you carry out banking, what safety measures are in place?
  - Q: Does anyone take money out of your account for you? Do they know your PIN?
  - Q: How do you know how much they've taken?
  - Q: Do you do online banking? If so, do you have any problems remembering your passwords?
  - Q: Does anyone else know the passwords? Q: Do you trust (name) to use the passwords to get access to your account?



- Banking
  - Step looks at the skills & knowledge needed to use a bank account.
  - Looks at whether the person can recall if they have a bank account (and able to identify if money has gone missing from their account); if they do not have an account can they recall how their money is kept
  - Example questions:
    - Q: Do you have any direct debits or standing orders? What are they?
    - Q: Do you have a cheque book? How do you write a cheque? (use actual cheque or copy)
    - Q: How do you get your money?
    - Q: How do you keep your money safe?
    - Q: Do you get bank statements? What do you do with them? What are you checking on them?
    - Q: What does it mean if you are overdrawn?
    - Q: What would you do if you thought money was missing from your bank account?
    - Q: Is there anyone you would trust to help you with your banking?



- Does the person have capacity to make a Lasting Power of Attorney for property and affairs?
- A person may lack capacity to manage various aspects of their finances but have capacity to decide to appoint an attorney under a Lasting Power of Attorney.
- Information should be given on the role of a Property and Affairs attorney prior to exploring an individual's understanding.
  - Example questions
    - Q: Would you like someone else to make decisions about money on your behalf when you can't make those decisions yourself?
    - Q: How do you feel about another person making decisions about your money?



- Investments, savings, ISAs at shares
  - Looks at a high level of decision making (person may lack capacity for financial decision making in this area, but, not in other areas.)
  - Example questions:
    - Q: Do you have any savings? Where are your savings held? How do you know they are held securely?
    - Q: Do you have any investments? How are they managed?
    - Q: Do you have any ISAs? How do you check they are performing?
    - Q: Do you have any shares in any companies? How do you check they are performing? Where are they held? How would you sell your shares?
    - Q: Do you have a financial advisor to help you manage your shares, ISAs or other investments?



- Brain injured patients are often vulnerable for financial exploitation or not able to manage their financial affairs independently, therefore the need for capacity assessments are frequently required.
- However, theoretical and empirical attention have been mostly given to the psychogeriatric population, but very little inputs are available about the ABI population.



• The development of objective instruments to measure capacity has been integral to the emergence of the capacity assessment field. In the earlier part of the 20th century, incapacity was determined on the basis of the presence of a diagnosis alone, and perhaps some global indication of mental status. A critical conceptual and legal development has been the shift away from diagnosis to the consideration of key functional abilities.



- Financial capacity comprises a broad range of conceptual, pragmatic, and judgment abilities that are critical to the independent functioning of adults in our society.
- Financial abilities range from basic skills of counting coins or currency to conducting cash transactions, managing a checkbook and bank statements.





- The BPS holds the view that there is no psychometric inventory designed to measure capacity within the meaning of the MCA and it therefore follows that an individual's capacity cannot be determined based on test results alone.
- However, psychometric inventories can provide useful, informative data which assists the clinician to come to an opinion regarding one or more elements of an individual's ability to meet the criteria of having capacity or not.





 Few assessment instruments or procedures are designed to assist with the objective assessment of financial competence. Hence the present study aims to investigate the psychometric properties of the Financial Assessment and Capacity Test (FACT) with specific reference to ABI patients in the UK.

### **FACT**



- Developed in Ontario, Canada in 2007.
- 4 conditions necessary to demonstrate decision-making capacity are highlighted:
  - 1. the ability to communicate choices
  - 2. to understand relevant information
  - 3. to comprehend risks
  - 4. to manipulate information rationally
- These concepts are also incorporated into Ontario's current legislation assessing the understanding and appreciation financial capacity.



### **FACT**

- Professionals in psychiatry, occupational therapy and psychology established the face validity of the FACT through the selection of content items.
- i.e. the FACT has the potential to identify areas of specific difficulty such as memory, reading/writing ability, calculating, general financial knowledge, understanding of assets, financial insight, financial stress, and the presence of irrational beliefs about money.



- Law requires a clinician's judgment of a patient's capacity as capable or incapable.
- The FACT was found to be better able to inform this decision. capacity to manage their personal finances.

# The Occupational Therapist and Capacity assessments



- Support individuals overcome challenges, to enable everyday tasks or occupations.
- An occupational therapist approach is Holistic.
- Supporting across all domains physical, psychological, social and environmental.





# Occupational Therapists recognize these connections between occupation and health

- People are occupational beings
- Engagement in occupation is healthy
- People need a healthy balance of occupation
- There are links with purpose and meaning
- Occupation is a tool for healthy participation in life (Creek and Lougher 2011)





# Current ways in which Occupational Therapists explore financial capacity.

- Community Assessments
- Observations when out in the community through leisure or productive activities.
- Communication/conversation regarding specific needs identified

- The Independent Living Scale (ILS) (Loeb, 1996). (Centre for Neuro Skills 1986)
- Daily planning of money skills
- Conversation with Next of Kin regarding any concerns



### **Activity Analysis**

Breaking down and analyzing tasks scientifically (C Creighton, 1992)

From a simple activity, the Occupational Therapist identifies a large amount of information.

We then use that information to identify the essential needs of the patient.

We do this by breaking down an activity step by step and establishing where a problem lies. Then specifically focusing in on that area, before putting it back into an activity.







- Subjective perspective from the healthcare professional
- Based on observations
- Not Quantifiable
- Breadth of area
- Challenge to identify specific difficulties Something may be missed (Dreer et al, 2012)



#### How the F.A.C.T Provides support

Specific focus within rehabilitation



Identification of problem areas – Clarity of Needs



Provides the framework for activity analysis



Divided into categories specific to financial management.



#### **CASE STUDY**

## 42-year-old male. Hypoxic Brain Injury secondary to substance abuse. Memory impairment.

The FACT was completed with Patient X. The following scores were identified:

Categories	ABI Patient
Memory:	5/6
Reading/Writing:	3/3
Calculating/Attention:	5/14
Daily Financial Total:	10/21
Financial Knowledge:	1/11
Understanding Assets:	2/7
Financial Insight:	2/22
Financial Confidence:	2/8
Rational Beliefs about money:	4/14

### Comparison



When completed with a non TBI Participant. 76-Year-old female, retired, no brain injury.

Categories	ABI Patient	Non TBI patient
Memory:	5/6	6/6
Reading/Writing:	3/3	3/3
Calculating/Attention:	5/14	14/14
Daily Financial Total:	10/21	21/21
Financial Knowledge:	1/11	11/11
Understanding Assets:	2/7	7/7
Financial Insight:	2/22	17/22
Financial Confidence:	2/8	8/8
Rational Beliefs about money:	4/14	14/14
TOTAL:	34 /106	101/106



### Why the FACT is needed

- OT Assessments currently consider finances as PART of a wider assessment.
- Current financial assessments are largely Subjective based on observations only.
- Enables a quantifiable measurement of changes in capacity.
- A more Holistic approach



# Amendments to the psychometric properties of the FACT

- The current FACT makes reference to dollar bills, toonies, loonie (Canadian one dollar coin) quarters, dimes, nickels and pennies.
- Paying a bill using telephone banking.
- Writing a sample cheque.
- To know the date when personal income taxes are due in Canada.





### **UK** changes

- The current content of the FACT do not correlate with the UK financial system, which necessitates to amend the psychometric properties.
- This will be done by means of the following
  - 1. To make reference to pounds, pence and pennies.
  - 2. To add the option of electronic / online banking.
  - 3. To know the date when personal income taxes are due in the UK.





#### Conclusion

- Although the FACT can never replace a clinician's judgment, it provides a clear starting point for a discussion on competence.
- By amending the psychometric properties of the FACT, it will be more useful in the UK.

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