Testamentary capacity assessment tool: a new instrument for the evaluation of testamentary capacity in patients with dementia

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Introduction: The characterization of a person as incapable of will making, due to deficits in recall memory, is misleading because his/her intention of how and to whom he/she desires to dispose his/her assets may remain intact. Methods: We developed a short tool (TCAT -Testamentary Capacity Assessment Tool), consisting of four subtests assessing the patient's characteristics which are required for TC: memory (orientation, autobiographical memory and realistic perception of beneficiaries), existence or not of psychopathology, financial parameters (value of assets, everyday life products, bills) and intention (vignettes, theory of mind). For its validation, we examined 64 patients visiting the 2nd Department of Behavioral Neurology and Neuropsychology. The decision of the expert served as the gold standard for the evaluation of the TC. Also, the newly scale was compared to the MSSE by applying ROC analysis in both cases. Results: For the total scale by using a maximum score of 48, the best combination of sensitivity (82.6%) and specificity (100%) was obtained for a cut-off score of 32/33. Moreover, a cut-off score that can be used in order to increase the levels of sensitivity is the value 38/39: sensitivity (95.7%) and specificity (80%). The Cronbach Alpha analysis showed high levels of internal reliability for the scale (α =0.86) and the point-biserial correlation coefficients showed high levels of criterion-related validity (r_{bp}=0.797, p0.001). Conclusion: We believe that the TCAT is a reliable screening tool for the evaluation of TC and can be used by both the expert and the non-expert.