

5 TIPS for caregivers

GETTING YOUR DUCKS IN A ROW *legally!*

When you think of legal planning, what's the first thing that you think of? It's probably not peace of mind. But as people are living longer, it is a very real possibility that someone would need to manage your affairs in the face of disability. Getting your legal affairs in order can give you the peace of mind that your wishes will be carried out. Here are 5 tips for getting your legal ducks in a row.

1 Make some decisions.

We all make decisions every day – little decisions like what to have for breakfast, and big decisions like choosing a doctor. While you may pull out your breakfast cereal without a second glance, bigger decisions for the future require some thought. So take some time to think! These big decisions often fall into three groups: financial (paying bills, directing investments, buying and selling property, or making charitable contributions), personal (where you live, who you socialize with, recreation and travel, or spiritual preferences), and health decisions (choosing a doctor or health care facility, obtaining medical records or advanced directives). While you probably won't make all of these decisions in an afternoon, think about what areas are most important to you. Then you can clarify that while maybe you don't care where you live, you have a strong preference about your medical care, and you can begin to put these wishes in writing.

2 Decide who can decide for you.

As you think about what is important to you, another key piece to legal planning is identifying who can decide things for you. In the event of a disability, even if temporary, who you would trust to make decisions for you? A long-time spouse or family friend may immediately come to mind as someone you trust. However, you can also specify different people for different types of decisions. It is not uncommon to have a separate financial power of attorney and a medical power of attorney. For example, if you have a

son who is a CPA, and a daughter who is a doctor, that might be the perfect solution. Most likely you won't have such an easy match, but you should take time to decide who is the perfect decision maker for you.

3 Consider a durable power of attorney.

At this point you're probably thinking, "All this legal stuff makes my head hurt. I have a will and joint accounts with my spouse. Isn't that enough?" First, pat yourself on the back – it is good to have a will to plan for the future. But unfortunately these tools will not help you manage your property while you are still alive. A durable power of attorney is a more flexible option that can provide you with greater protection, because you can specify certain tasks or powers to another person if you were to become incapacitated. While a joint account is a simple way to give someone else unrestricted access to your property, however, it's just that – unrestricted! This can be both good and bad, so be judicious in who you may put on your account. A durable power of attorney can set limits, and also provide access to assets such as retirement funds, that cannot be jointly titled.

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4 Consider your health.

Just as wills and joint accounts may not provide for your wishes while still living, they also do not address health care decision making. If you have strong preferences about your future medical care, it is especially important to consider a medical power of attorney, living will, and advance medical directives. A medical power of attorney is similar to a durable power of attorney but is directed exclusively at health care decisions. It also allows you to give specific direction about your treatment options. A living will, or advance medical directive, is a written declaration which allows you to state your wishes regarding the use of life-prolonging medical care. Along with advance medical directives, a Do Not Resuscitate Order can direct that CPR be withheld in the event of cardiac or respiratory arrest. Not only will these documents help ensure that your medical wishes are followed, but they can also relieve the potential stress and conflict of decision making for your family, friends, and health care providers.

5 Contact an attorney.

Once you have had time to think through these decisions, contact an attorney. The decision making is the hard part! Someone who specializes in elder law can easily help you draft the documents you need to express your wishes. They will also be able to ensure that protection is set up properly, and is transferrable between states if a move is a future possibility. The key is to do it while you're capable of expressing your wishes. Documents can always be changed down the road if circumstances or your preferences change. But getting your legal ducks in a row now will give you greater peace of mind for the future.



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