



# **Tucker Legal Services = dba Your Estate Ally**

## **The Attorney's Guide to Addressing Alzheimer's**

### **A FRIEND IN NEED**

Emma watched with concern as her mother forgot where she was driving. The early signs of dementia showed in little ways, forgetting appointments, misplaced items, repeating the same stories. She thought it was just memory issues that happen with age, but the latest incident raised alarm bells. Emma felt rising panic and wondered “What do I need to do?”

When someone you love is diagnosed with a form of dementia or Alzheimer's, there are many life issues to prepare for and to handle. It is a daunting, time-consuming, and often painful task. The key is to put in place a support team to help you and your loved one not feel alone.

### **THE BENEFITS OF PLANNING AHEAD**

A diagnosis of Alzheimer's and dementia is scary and difficult to cope with. It is vital that family members stay strong. Planning for the future is an important part of anyone's life, but it's particularly crucial for an individual with Alzheimer's. No one knows how quickly the disease will progress. Tough questions about health care wishes, living wills, and financial decisions need answers. It is necessary to prioritize the loved one's needs. One must seek appropriate medical care, and talk to an elder law attorney about your loved one's estate plan documents.

## **KEEPING YOUR LOVED ONE INVOLVED**

It may be tempting to step in and take over life decisions for your loved one. When your loved one is diagnosed, it is essential to allow him or her to make decisions while there is legal capacity. It is important to maintain your loved one's dignity and feelings of self-worth, and to avoid emotional confrontations about the disease.

However, one should not accept every decision at face value. Undue influence and financial exploitation are very real risks. It is important to work with an experienced elder law attorney who makes sure there is legal capacity to sign essential estate planning documents before implementing major changes.

## **HEALTHCARE DIRECTIVES**

The level of care needed by your loved one is likely to change throughout the duration of the disease. Questions to answer are who will be allowed to make healthcare decisions in a Durable Healthcare Power of Attorney? What lifesaving measures are desired in a healthcare directive (living will)? An experienced elder law attorney should address issues such as forced tube feedings for your loved one when Voluntary Stop Eating and Drinking (VSED) occurs as the disease progresses. Making decisions while there is capacity avoids family conflicts, helps preserve your loved one's dignity, and avoids costly guardianship battles in probate court.

## **FINANCIAL POWER OF ATTORNEY**

Your loved one may have a number of financial and estate issues to manage. You should address as many of these as possible while he or she still has the legal capacity to sign documents and enter contracts. An elder law attorney will work with the loved one to create the

appropriate enhanced financial powers of attorney needed for a person with early onset of Alzheimer's.

Once a person loses financial or legal capacity, the person designated in this document is permitted to make financial decisions on behalf of the individual. It does not mean you are responsible for your loved one's debts. You protect and monitor the assets. Once incapacity occurs, no legal documents may be signed. Without a proper financial power of attorney, family members may find themselves fighting in court for conservatorship.

## **PUTTING A TEAM IN PLACE**

As a new caregiver, you may be unsure about what you are and are not able to do. Fortunately, there is support to help you be a strong advocate for your loved one. Geriatric physicians and neurologists assess and monitor the disease's progress. Geriatric care managers are another excellent resource for family members and individuals suffering from Alzheimer's. They can coordinate discussions between medical providers and lawyers, provide support to caregivers, and ensure that the individual feels comfortable and safe as their disease progresses.

An important step is to hire an attorney who focuses on estate planning for Seniors. An experienced estate planning attorney understands the legal needs of a person diagnosed with Alzheimer's or dementia. As part of your support team, the attorney works with senior caretakers, aging-in-place consultants, financial planners, and accountants to facilitate legal care.

## **RESOURCES FOR CAREGIVERS**

Remember to take care of yourself during this trying time. It's natural to want to devote all of your energy to your loved one, but caretaker

burnout is a serious problem that you can avoid by practicing self-care. Find out if your local hospital has a support group for Alzheimer's and dementia caregivers. Nursing homes may also run similar groups for family members. Reach out to <https://www.alz.org/> to find local support groups. In addition, consider hiring in-home senior caretakers to give you a needed mental break so that you stay a strong advocate.

## **CALL FOR ASSISTANCE**

Senior years requires specific planning, especially when faced with dementia or Alzheimer's. As Alzheimer's progresses, decision-making and legal capacity is affected. It is vital to have the right estate plan in place. It is important to consult with an experienced attorney who can help your loved one face legal decisions, prepare proper powers of attorney, create the right trust documents, and answer questions about asset protection. Failure to plan may lead to guardianship and conservatorship battles in court, which are costly.

My law firm is ready to help you and your loved one plan for the future with empathy and understanding. The firm stays connected with senior care consultants to help provide resources for you and your family when needed. For more personalized legal counseling and assistance, call **314-332-0011** to schedule a consultation.