

Legal Affairs: Assisting Your Loved Ones

(NAPSA)—Good news: The number of older adults in the U.S. continues to increase. It's expected there'll be 80 million Americans over the age of 65 by the year 2040. As a result, more adult children of aging parents will need to initiate a discussion about the need to address certain legal matters so that their family members' wishes will continue to be honored even if they are no longer able to manage these affairs at some future time. Documents such as wills, living wills and powers of attorney for health care and financial matters need to be executed while someone has the capacity to make decisions. Sometimes older individuals are reluctant to speak about these topics. They may prefer to speak with a neutral third party such as an attorney, a financial adviser, a social worker or perhaps a good friend to address these issues before a crisis occurs.

Here are some tips:

Helpful Hints

- Learn what is important to your loved ones in making financial and health care decisions. Help them to implement a plan that will ensure their wishes are carried out.
- Discuss the options of planning ahead for finances and health care so that your loved ones can have their wishes honored.
- Encourage the use of an attorney or financial planner if your family members are reluctant to discuss personal matters with you.
- When formal documents have been created, make sure their location is readily available and encourage your loved ones to review them at least every two years.
- Estate planning and terminology can vary from place to place. Enlisting the help of an elder law attorney may be beneficial. The increase in the older adult population in the U.S. has given rise to the specialty of elder law attorneys who focus on the many legal issues specific to older adults. In addition to



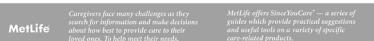
Legal Matters

About the Subject
Many of us take for granted that we will be able to take care of our personal and financial affairs "sometime." However, you are a family caregiver, particularly for an older adult, who know that you cannot always count on tomorrow. There are the daily matters of providing appropriate health care, living arrangements, and financial decisions. There are emotional issues of love, anger, frustration, and guilt. And there are sometimes the seemingly endless arrays of legal issues that work their way into so many areas of life.

Health and finances are two areas that may require you, as a caregiver, to have the legal and legal authority to make decisions on behalf of another person. The time may be as simple as signing a check for a loved one or as complex as deciding if he or she would want a feeding tube after becoming bed-ridden and non-responsive. If you have not been designated as a legal

authority to act on an individual's behalf in advance, you will not have rights as a decision maker no matter what your relationship to the individual may be.

It is important for caregivers to know one of their family members' legal affairs. As the adult child of aging but competent parents, it is a good idea to initiate some discussion about what legal arrangements may or may not already be in place. Such topics for discussion might be wills, durable powers of attorney, asset disbursement, or living wills. Are general and medical powers of attorney in place? Are there any trusts? Do they have an attorney? Sometimes parents or other older individuals are reluctant to speak with their children or caregivers about these topics. Therefore, you may want to suggest they speak with a neutral third party such as an attorney, a qualified financial adviser, a social worker, or perhaps a good friend to address these issues before a crisis occurs.



the many legal complexities, elder law attorneys have experience with older adults and an appreciation for many of the physical and mental challenges associated with the aging process. These lawyers can assist older persons and their families with such issues as Social Security, Medicaid, Medicare, estate planning and preservation of assets.

Where There's a Will...

One important legal consideration for your family members is the creation of a will. When creating a will, they need to consider:

- Is there a need for trusts for a spouse or other dependents?
- How will the assets be divided?
- Are charitable gifts a consideration?
- Who will be named executor of the estate?
- What might the tax considerations be?
- Once a will has been created, make sure the original is kept in a safe place and the executor knows where it is.

Managing Financial Affairs

At some point, you or someone identified by your loved ones may have to make financial or health care decisions for them.

They should consider establishing powers of attorney, identifying

the individual or individuals they trust to make these decisions on their behalf if the need should arise.

The best choice is usually a spouse, adult child or other family member. However, because of age, incapacity, distance or estrangement, family may not always be the best choice. A trusted friend or perhaps an attorney may sometimes be a valid option. It is also wise to consider an alternate agent in the event that one's first choice is unable to serve.

The creation of a living will requires considerable thought.

Areas to consider might be:

- What are some of the usual procedures and care options for those who are seriously ill, such as antibiotics, intravenous hydration, pain medication, artificial nutrition (feeding tube), CPR or diagnostic testing (labs, X-rays)? Are there any treatments or procedures that they would specifically refuse?

- What are their beliefs about the use of external life-support machines and medications?

- In creating a living will, your family members should try to be specific, thinking of it as a blueprint for someone else to follow. It can serve as a guide for the individual(s) they identify as power of attorney for health care matters.

Learning More

You can find additional information about important legal considerations for older Americans in a free booklet from the MetLife Mature Market Institute called "Legal Matters." It is part of the "Since You Care" series of guides created in cooperation with the National Alliance for Caregiving. It includes information, resources and checklists. You can get a copy by calling (203) 221-6580, e-mailing maturemarketinstitute@metlife.com, visiting www.maturemarketinstitute.com or writing MetLife Mature Market Institute, 57 Greens Farms Road, Westport, CT 06880.