

Spotlight On Caregiving

Legal Matters: What You And Your Loved Ones Should Know

(NAPSA)—Many of us take for granted that we will be able to take care of our personal and financial affairs “tomorrow.” However, if you are a family caregiver, particularly for an older adult, you know that you cannot always count on tomorrow.

Health and finances are two areas that may require caregivers to have the input and the legal authority to make decisions on behalf of another person. The issue 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 bedridden and nonresponsive.

Things You Should Know

The number of older adults in the U.S. continues to increase. There are an estimated 35 million people (13 percent of the population) who are over the age of 65, with the number expected to rise to 20 percent—or more than 71.5 million Americans—by the year 2030.

The increase in the older-adult population in the U.S. has given rise to the specialty of elder law attorneys that focus on the many legal issues specific to older adults. In addition to the many legal complexities, elder law attorneys have experience with older adults and appreciation for many of the physical and mental challenges associated with the aging process. Sources to consider when locating an elder law attorney include:

- The U.S. Administration on Aging, which sponsors statewide legal hotlines for those age 60 and over. To obtain the appropriate number, call (800) 677-1116.
- The state bar association.
- Patient representatives at any nearby hospital.
- National Academy of Elder

Helpful Hints

- Learn what is important to your loved ones in making financial and health care decisions. Help them to implement the 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 a qualified attorney or financial planner if your family member is reluctant to discuss personal matters with you.
- When formal documents have been created, make sure their location is readily available and plan to review them at least every two years.



Law Attorneys (NAELA) at www.naela.org or by phone at (520) 881-4005. Within the site is a search field to find an elder law attorney in your area.

Where There's A Will...

One important legal consideration is the creation of a will. A will is a legal document detailing how an individual wants his or her assets distributed upon death. If an individual dies without a will, called “dying intestate,” the state will determine the distribution of assets. Individuals must be competent when their wills are drawn up and may make changes to them as long as they remain competent.

Work with your loved ones to inventory their assets, review outstanding debts, detail beneficiaries and identify any special desires they may have for particular items or monies.

Health Care Matters

As a caregiver, friend or child of an aging loved one, it is important

that you know what his or her health care wishes might be should he or she become incapacitated—mentally or physically. To best carry out your loved one's wishes, you may encourage written documentation in the form of an advance directive. Advance directives are designed to convey an individual's wishes about his or her medical care to family and physicians at a time when he or she is otherwise unable to do so. There are two types of advance directives:

- Living Will—Details and records the care individuals do or do not wish to receive at a time when they are no longer able to speak for themselves.

- Durable Power of Attorney for Health Care—Also known as a “health care proxy,” this document is usually prepared in addition to a living will. It allows you to appoint an individual, called an agent, attorney-in-fact or proxy, to make medical decisions for you if you are incapacitated and unable to do so.

Caregivers face many challenges as they search for information and make decisions about how best to provide care to their loved ones. One good source of information on legal considerations for older Americans is 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 to MetLife Mature Market Institute, 57 Greens Farms Road, Westport, CT 06880.