



## Plan for aging: Get documents in order for the tough times ahead

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By Dale Russakoff, The Washington Post

For years, Sandy Myers prodded her parents without result to plan for "when they got really, really old." With her mother losing ground to Alzheimer's and her father to Parkinson's, she pressed harder: Let's see a lawyer. Let's go over your assets with an accountant. Still they didn't budge.

"They'd kind of humor me: 'Oh, that's nice,' " Ms. Myers recalled.

In the end, it wasn't nice at all. In 1999, her father, Carl Larson, injured his head in a fall and had to move into an assisted living facility, forcing Ms. Myers to put her mother in a nursing home. The family needed to sell the couple's three-bedroom, 1950s ranch home in Springfield, Va., to pay the bills, but couldn't: Joan Larson's Alzheimer's left her legally incompetent to sign the deed, and she hadn't authorized anyone to sign for her.

Ms. Myers and her brother had to go through a long, costly and emotionally wrenching court proceeding to have their mother declared their financial ward in order to sell the house. "I sat there and watched an attorney tell her the court was stripping away all her rights -- her voting rights, her driver's license, her ability to handle money, every right she had as a citizen," Ms. Myers said. "It's something I live with every day."

Ms. Myers and her parents had stumbled into a no-man's land that has become increasingly familiar to elderly Americans and their adult children. Without legal authorization to act for an incapacitated parent or spouse, family members are powerless to manage finances and often clueless about how to make pivotal medical choices. The discomfort that stops parents from planning ahead pales compared with the emotional and financial price their families often pay when they don't, according to Ms. Myers and many others.

Yet, despite the furor over the case of Terri Schiavo, who languished for years in a coma as much of the country debated what she would have wanted, research shows that less than a quarter of Americans put in writing what they want in end-of-life care. Not many more have taken steps to authorize someone to handle their finances.

"Our generation is encountering these crises more than any previous generation," said Ms. Myers. "It would behoove people to take the bull by the horns and get the documents they and their parents are going to need."

A will is most people's first concern, but elder-law specialists say it is equally important for older people to sign documents known as durable powers of attorney, designating agents to act for them if they become incapacitated.

"I tell people they have the choice of appointing someone or allowing a family member to get themselves appointed by a court -- and in that case, you won't have any input because you're incapacitated," said elder-law attorney Jean Galloway Ball of Fairfax, Va. "The child you never got along with could be running your life."

The recommended practice is to sign separate powers of attorney covering finances and health care, and to couple the health-care proxy with an "advanced medical directive," a document laying out the care a person wants in various circumstances. Such a health-care directive is much broader than a living will, which covers only the end of life.

"A living will is just a piece of paper, with no legs and no voice. If you have a health-care power of attorney, you have an advocate," said Sally Hurme, an attorney in AARP's consumer protection division. "This allows you to instruct your agent about any kind of medical decision that needs to be made if you can't make it yourself -- exploratory surgery, amputation, chemotherapy, blood transfusions."

The American Bar Association's Commission on Law and Aging recommends planning ahead in five areas:

- Housing (staying in the home or moving, and where).
- Finances (including investment strategies, long-term-care insurance and Medicaid eligibility).
- Managing property (setting up a trust, appointing a power of attorney or both).
- Making medical decisions (through a health-care proxy and an advanced directive).
- Distributing assets after death (through a will).

"Many people assume that if there's a crisis, their children will take care of it," said Charles Sabatino, director of the American Bar Association's Commission on Law and Aging. "They will say, 'I trust in God and my family.' It's a big mistake."

The issues are multiplying as fast as the population is aging, and families with long-term-care concerns tend to seek attorneys who specialize in elder law to navigate the growing complexity of incapacity.

"People keep finding out they don't know what they don't know," said Douglas Moore, who heads estate and charitable planning for Citigroup Trust.

One thing few people know is that institutions have wide discretion to reject financial powers of attorney, and standards vary from one state and one institution to the next. Some federal agencies accept only their own, customized forms.

In Virginia, a financial agent can't sell a home unless the power of attorney specifies the legal description of the property, down to the page number of the deed in the county record book. In some states, a mere street address suffices. States are moving to develop national standards, but the process is expected to take years.

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