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## Avoid Future Marriage Strain by Having a Plan for Aging Relatives

It's never easy, but planning ahead will save you and your spouse an enormous amount of grief down the road.

BY BETI BERGMAN

For most couples that have relatives or parents who live to be in their 70s, 80s and 90s, there comes a time when you or your spouse, or both, have to assist them with their daily tasks. To avoid unnecessary strain on your marriage and the relationship with other family member, it's best to be prepared. There are several ways of going about this, but here are what I consider some *musts*:

**1. Choose a person in the family who is willing and able to personally care for the aging relative:** Make certain this person has time to commit and is also available 24/7 to act as the point person. Very often, several family members tend to get involved. The person in charge can delegate duties to other family members. For instance, while the "point person" organizes things, he or she can certainly ask a sibling to be the person to run to the grocery store, fill prescriptions, provide assistance for doctor's appointments, and so forth. The tip here is to choose one person who will take responsibility in making sure all tasks are attended to. If there is need for outside help, the "point person" should hire a caregiver, one he or she can rely on. One small tip is to allow the aging relative to choose the caregiver so long as he/she has the capacity to do so.

**2. Choose a health care agent:** Once the aging relative loses capacity, then it is imperative that someone needs to assume the legal authority to make personal care decisions. Such decisions might include placing an aging relative in a quality assisted living residence. Under ideal circumstances, the aging relative should choose whom he/she would like to hand over legal authority of his/her affairs and can do so by executing a health care directive, a legal document that officially nominates or appoints his/her chosen health care agent. The directive would then take effect once the aging relative becomes incapacitated as determined by a doctor. The agent would then have the legal authority under the health care directive to make health care decisions for the aging relative.

**3. Leave instructions about care:** Once someone becomes incapacitated, it's an emotional hardship on relatives as to the decisions of how to care for the person. That is why it is important for the aging relative to leave instructions about how their care should be handled once someone takes over their care before they become incapacitated. Such instructions should include important directions, such as, what kind of medical treatment they would consent to if they are in a critical condition, whether or not they want to be sustained on life support, and their position about donating organs or tissues. They should always list important information about allergies, medications and health conditions as well, since the agent will often become the aging relative's spokesperson. Additionally, it is often helpful to leave directions about more minor details, such as the diet they prefer or need if they cannot communicate their preferences, the type of environment they would like to reside in if they cannot live in their home, and favorite items they would like to keep around them to feel comfortable.

**4. When considering conservatorship:** If an aging relative fails to execute the proper planning instruments before they become incapacitated, then the only way that a family member or friend can obtain the legal authority to help is by way of conservatorship. In brief, a conservatorship is a court process and if a conservatorship of the estate is needed (someone to manage the money), then regular court accountings are required to be filed with the court. A conservator has tremendous responsibility and must abide by all court guidelines.

**5. Sound money management is crucial:** Protecting the finances of an aging relative is critical because elderly citizens are vulnerable to being taken advantage of. The best protection is finding a trustworthy person who can manage the money. Have your aging relative create a living trust and a durable power of attorney for financial care long before he/she becomes incapacitated—this is something you and your spouse should have too. The living trust will name successor trustees to act if the aging relative cannot. The power of attorney will name persons who may manage any assets outside the trust. To provide added protection for the management of the monies, require the successor trustee and attorney-in-fact to account to other persons on a regular basis. This way there is a checks-and-balance system in place to monitor all monies. Give those named individuals the authority to remove and replace the trustee or attorney-in-fact should there appear to be any indication of impropriety.

It's really a very good idea for all of us to plan ahead, even those not considered elderly, but simply middle aged. If you and your spouse have not discussed these issues in regard to your own health, well-being and future, don't wait. Lack of proper planning can cause tremendous problems and burdens on you and your loved ones.

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