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## Checking Legal Issues for Older Adults

Having control over health care and financial decisions is something most older persons probably took for granted when they were younger. As they grow older, however, the possibility that they may become unable to exercise this control increases. Through a variety of legal documents, older people can take specific steps before problems occur—for their peace of mind, and that of their adult children.

### Legal Protections

While each family's situation is unique, here are some legal protections to consider:

- **Banking access.** Parents may make an adult child a joint owner of their bank and other accounts so that he or she is authorized to act for them in an emergency. They can also appoint someone as joint renter, deputy or agent for their safety deposit box.
- **Durable Power of Attorney for finances.** A Durable Power of Attorney (DPA) for finances is a document that allows you to give another person the authority to make financial decisions on your behalf. Without a DPA, a spouse, close relative or companion might need to be appointed guardian/conservator by the court in order to manage your finances.
- **Wills.** A will is a document that instructs how people want their property to pass on after they die.
- **Advance directives for health care.** Advance directive is a general term to describe a variety of documents about your health care wishes. The documents may be called a Living Will, Health Care Directive, Power of Attorney, Health Care Proxy or other similar name.
- **Health Care Power of Attorney.** A special kind of durable power of attorney called a Health Care Power of Attorney (HCPA) is a document in which you give another person the power to be your advocate and make decisions for you regarding your medical treatment and other health and personal care, should you no longer be able to communicate your wishes.
- **Living Will.** More limited than the health care power of attorney, this document directs the doctor to withhold or withdraw life-sustaining treatment should a patient be diagnosed with a terminal condition and be unable to state his or her preferences.

The demand for such protections is growing. Many attorneys are well versed in these topics. There are also attorneys who specialize in elder-law issues, such as estate planning, long-term care planning, retirement issues, Medicare/Medicaid and insurance disputes, fraud and abuse age discrimination and other areas.

## Helping Parents Take Action

What can you do to help your parents address these important health and legal issues? The following steps can get you started:

- **Discuss the legal protections described above with your parents.** Find out if they have or want these documents.
- **Help parents take steps to increase the likelihood their advance directives will be followed.** Talk with the doctor before and after creating an advance directive to get input on issues to consider and to ensure the doctor feels comfortable carrying out the directives. Make sure everyone who may need to know about the documents is aware of them, including doctors, family, friends, spiritual advisors, nursing homes, and hospitals. Give doctors, family members/agents a copy of the advance directive.
- **Find a good lawyer.** If you parent doesn't already have a trusted attorney who can handle estate planning and the other elder law issues discussed above, this is a key first step