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legal and financial planning

**Learning objectives: Legal and financial planning**

- To understand the importance of advance planning and of having the opportunity to involve the person with dementia
- To identify the steps to getting legal, financial and future care plans put in place
- To become familiar with the specific legal issues, future care options, and financial issues pertaining to dementia
- To provide hands-on tools for making plans now

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**The importance of planning early**



John has younger-onset Alzheimer's disease.

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### The importance of planning early

Planning early:

- Allows for informed planning of complex issues
- Allows people with dementia maximum self-determination and degree of choice
- Avoids difficult consequences of waiting too long



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## legal and financial planning

for alzheimer's disease

Part 1:  
Legal  
Issues




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### Goals of legal planning

- To make plans for health care and long-term care
- To make plans for finances and property
- To designate someone to make decisions for the person with dementia when he or she is no longer able

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### Advance directives

- Indicate preferences about treatment, care and end-of-life wishes
- Family members and health care providers should have copies of all current advance directives, including:
  - Durable Power of Attorney for Health Care
  - Living Will

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### Legal capacity



- Includes assessment of:
  - Judgment
  - Decision-making ability
- Is determined by the court
- Is usually intact in the early stage

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### Durable powers of attorney

- Allow the person with dementia to name another person to make decisions when needed
- Are lasting
- Should include:
  - Durable Power of Attorney for Health Care
  - Durable Power of Attorney for Finances/Property
- Need to be created in accordance with State laws

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### The importance of updating legal documents



Eve cares for her husband with dementia.

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### Living will

- States a person's choices for future medical decisions, such as the use of artificial life support
- Used when a doctor decides that the person is
  - Irreversibly ill, or
  - Critically injured and near death



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### Will



- Names executor and beneficiaries
- Only takes effect when a person dies

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### Living trust

- Names a trustee
- Provides instructions about how to manage a person's estate
- Can include a broad range of property
- Helps avoid probate
- Specifies whether a trust will end when the last beneficiary dies or continue to benefit others

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### Making choices as a care team



- Include the person with dementia as much as possible.
- Ongoing communication is important as needs change.
- If there are disagreements, consider:
  - Mediation
  - Guardianship

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### Guardianship

- Sometimes called conservatorship
- Declared by the court
- Appoints a guardian to assume total responsibility for the person
- A diagnosis of dementia alone is not sufficient to obtain guardianship



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### The importance of legal planning for all couples

- All couples should make legal plans, including those who are not in legally-recognized relationships, such as:
  - Same-sex couples
  - Domestic partnerships
- Without legal documents in place, partners may not be allowed to make decisions




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### Legal tips for unmarried domestic partners

- Have copies of legal documents easily accessible to both of you
- Bring copies of legal documents when traveling
- Complete a hospital visitation authorization form, if necessary
- Make your wishes and documents known to:
  - Your physician
  - Your family

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### Steps for putting legal plans in place



- Gather existing documents.
- Determine which documents need to be updated or created.
- Do it yourself:
  - Online
  - Office supply stores
- Find assistance:
  - Helpline (1-800-272-3900)
  - [www.naela.org](http://www.naela.org)
  - [www.lawhelp.org](http://www.lawhelp.org)

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