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## Seniors and Special Needs News - June 12, 2015

1 message

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Fri, Jun 12, 2015 at 9:06 AM

With help, seniors and people with special needs can keep some of their assets in the family rather than lose their entire life savings to the costs of long term care. They can use these protected assets to enhance their quality of life beyond what long term care alone will provide.

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**The Koewler Law Firm**  
 JAMES L. KOEWLER, JR.



# Seniors and Special Needs News

## Legal Issues when someone has Dementia: Preparing a General Power of Attorney

Today's newsletter continues the discussion of Legal Issues when someone has Dementia. The introductory newsletter (May 1, 2015) put forth the issue of "Who can speak for someone with dementia?" The May 15, 2015 newsletter discussed the situation where the person with dementia has Advance Directives in place. The May 22, 2015 newsletter discussed the legal issues in determining whether a dementia sufferer can choose to have new Advance Directives prepared. The May 31, 2015 newsletter discussed options in preparing a Health Care Power of Attorney. The June 5, 2015 newsletter discussed how to decide whether to prepare a Living Will. To continue the discussion of which Advance Directives to prepare and how to prepare them, today's installment will discuss the General Power of Attorney.

Before the dementia takes away the person's ability to make decisions, his or her support (family, friends, social workers, etc.) should encourage him or her to consider whether to prepare and execute a Living Will. (As I mentioned in a prior post, "execute" is a fancy legal word for signing one's name on something official.)

Before we get confused, let's set out our terminology.

- A "power of attorney" is a legal document which appoints one or more people to handle the affairs of another person.
- The "principal" is the person who signed a power of attorney



would lack the necessary information and experience to understand the principal's financial situation and how that financial situation impacts the principal's health care.

If the principal isn't yet receiving care (because the dementia isn't yet that bad,) I suggest that the principal name his or her spouse as the agent, if the spouse is still able to make the necessary decisions. If there is no spouse, or if the spouse is unable to make these important decisions, the principal should name as agent the child most likely to become caregiver or care "quarterback."

The principal should also name successor agents. The first-named agent might become unavailable through illness, relocation, or (sadly) death. The successor agents should be the children in order of their likelihood of becoming caregiver or care "quarterback."

Also, I do not suggest naming more than one agent at a time. One person can reach a decision. Two or more people are far more likely to reach an impasse. In the event of an impasse, no decisions are made until the need reaches crisis level. (Successor agents still comply with my "one at a time" suggestion. A successor takes over if the agent appointed before them is not able to serve.)

Not everyone agrees with my suggestion to name one's likely caregiver as agent in the General POA. For example, fellow elder law attorney [Marta Williger](#), strongly believes that the agent in the General Power of Attorney must be the spouse or the child with the backbone to stand up to pressure from the other children to manage the parent/principal's money in a way that benefits the children. (Sometimes the principal's adult children want the lowest possible amount of money spent on the parent/principal's care so that the largest inheritance is preserved for the children. Marta's position is that the agent in the general POA needs to be strong enough to use the parent's assets for the parent's benefit.) (I know Marta's thoughts on this question from a discussion that we had during the question and answer time at the end of a presentation that I made to the Portage County (Ohio) Senior Services Network in April 2015.) I agree with Marta's concern about pressure from the other children, but I believe that the caregiver or care "quarterback," because of his or her close involvement in the parent/principal's care, is most likely to withstand pressure from the siblings.

Finally, a General POA gives an agent the power to make decisions (most often financial decisions) for the principal. The General POA appoints the agent as the principal's backup, not the principal's replacement. The General POA does not take away the principal's ability to make decisions for himself or herself.

## Suggest a Newsletter Topic

I try to write something new (and useful) in my newsletter every week. So, I

know that I will sometimes have writer's block. I'd like your help, please.

If you have a topic for my newsletter that you'd kindly suggest, I promise to consider it. (I don't promise to pursue it. I just promise to consider it.) I try to write about issues concerning seniors, health care, long term care, special needs, Veterans Pension (aka Aid and Attendance) benefits, and Veterans Compensation benefits. Please keep your suggestions within or near to those topics.

Please submit your suggestion [here](#). If I use your topic suggestion, I'll put the content in both my blog and newsletter.

Thank you for your help.

### **Social Media Posts from the past week**

06-11-2015 Blood test for #Down'sSyndrome during pregnancy may be near, reducing #Miscarriage risk <http://ow.ly/O3c1R>

06-10-2015 #FamilyCaregiver is a full time job <http://ow.ly/O3aQy>

06-09-2015 Hybrid policies with #LifeInsurance and #LongTermCareInsurance grow in marketplace <http://ow.ly/O39nD>

06-08-2015 Online ratings and other resources to help choose a #NursingHome for an #AgingParent <http://ow.ly/NkpMh>

06-07-2015 A sample of #VA #VeteransBenefits <http://ow.ly/NGAmX>

06-06-2015 Statistics on #NursingHome residents <http://ow.ly/NGtHj>

06-05-2015 #LegalIssues when someone has #Dementia: Consider a #LivingWill <http://wp.me/p47F09-bP>

Older social media posts can be found in the [social media post archive](#) on the firm's website, [ProtectingSeniors.com](http://ProtectingSeniors.com).

### **The Koewler Law Firm News**

6-16-2015 Jim Koewler will speak on planning ahead to protect your life savings against long term care costs at a meeting of the University Hospitals Bedford Medical Center SeniorNet at the Atrium of Anna Maria in Aurora, Ohio.



- Protecting your Money when you need Long Term Care and Essential Estate Planning Considerations (with free living wills for the audience)
- What people Know about Long Term Care that is Wrong
- Myths about Long Term Care Costs
- How to help your Parents Manage their Affairs

## Upcoming meetings

- 6-12-2015 Eldercare Professionals of Ohio, Village of the Falls, Olmsted Falls, Ohio, 9:00 a.m.
- 6-15-2015 Medina County Senior Services Network's Education Committee, Tres Potrillos, Medina, Ohio, 11:30 a.m.
- 6-16-2015 UH Bedford Medical Center Senior Network, The Atrium at Anna Maria, Aurora, Ohio, 8:30 a.m.
- 6-17-2015 Geauga Professional Association Specializing in Seniors ("PASS"), Geauga County Department on Aging, Chardon, Ohio, 8:30 a.m.
- 6-18-2015 UH Bedford SeniorNet Legislative Awareness Committee, Panera, Warrensville Heights, Ohio, 3:00 p.m.
- 6-23-2015 Summit County Senior Services Network, Anthony Kucko Kertesz Funeral Home, Akron, Ohio, 8:00 a.m.
- 6-23-2015 Wayne Holmes Senior Service Coalition, Wayne County Care Center, Wooster, Ohio, 8:30 a.m.
- 6-24-2015 Professional Networking Group, The Gathering Place, Beachwood, Ohio, 4:40 p.m.
- 6-25-2015 Parma Hospital Senior Resource Network, Pleasant Lake Villa, Parma, Ohio, 8:30 a.m.
- 6-25-2015 Portage Senior Services Network, Family and Community Services Building, Ravenna, Ohio, 8:30 a.m.
- 6-25-2015 The Association of Specialists in Aging, Mentor Senior Center, Mentor, Ohio, 8:30 a.m.
- 6-26-2015 Eldercare Professionals of Ohio, Solon Pointe, Solon, Ohio, 9:00 a.m.
- 7-1-2015 Stark Senior Services Network, Canton Baptist Temple, Canton, Ohio, 9:00 a.m.
- 7-1-2015 Richfield Chamber of Commerce luncheon, The Taverne of Richfield, Richfield, Ohio, 11:45 a.m.
- 7-1-2015 Medina County Senior Services Network's Client Services Committee, Sully's, Medina, Ohio, 3:00 p.m.
- 7-8-2015 Medina County Senior Services Network, Willowood Care Center, Brunswick, Ohio, 8:00 a.m.
- 7-8-2015 Summit Senior Sales, Administrators and Marketers Association, Canal Pointe, Akron, Ohio, 2:30 p.m.
- 7-9-2015 Lorain County Senior Services Network picnic, Black River Reservation park, Elyria, Ohio
- 7-10-2015 UH Bedford Senior Network's Golf Outing, Briarwood Golf Club, Broadview Heights, Ohio
- 7-10-2015 Eldercare Professionals of Ohio, Arden Courts, Westlake, Ohio, 9:00 a.m.

## Newsletter Archive

Past issues of this newsletter can be found in the [newsletter archive](#) on the firm's website, [ProtectingSeniors.com](http://ProtectingSeniors.com).

## Contact Jim Koewler

If you'd like to contact Jim, this newsletter has a dedicated [contact page](#) on the firm's blog site, [ProtectingSeniorsNews.com](http://ProtectingSeniorsNews.com).

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