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Seniors and Special Needs News - August 28, 2015

1 message

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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 Pre-Planning a Funeral Ceremony

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. The [June 12, 2015](#) newsletter discussed the General Power of Attorney. The [June 19, 2015](#) newsletter discussed the importance of making the General Power of Attorney "durable." The [June 26, 2015](#) newsletter discussed whether to make General Powers of Attorney "springing." The [July 3, 2015](#) newsletter discussed revoking prior Powers of Attorney. The [July 10, 2015](#) newsletter discussed Do Not Resuscitate orders. The [July 17, 2015](#) newsletter discussed the Right of Disposition designation. The [July 24, 2015](#) newsletter discussed the Will (aka Last Will and Testament.) The [August 1, 2015](#) newsletter discussed Beneficiary Designations on IRAs, bank accounts, etc. The [August 7, 2015](#) newsletter discussed whether to pre-plan a funeral. The [August 14, 2015](#) newsletter discussed how to choose a final resting place. To continue the series on legal issues when someone has dementia, today's newsletter will discuss pre-planning the funeral ceremony itself.

Today's installment continues the discussion of issues to manage when someone finds out that they have dementia. These issues should be managed before the dementia gets worse, before the disease takes away the person's ability to make decisions. Continuing the current topic of pre-planning a funeral, this week's discussion will focus on the steps to take when planning the funeral ceremony itself.

The plan for the funeral should be written down. The person choosing his or her own funeral arrangements won't be available to provide clarification. (In addition, in our ongoing discussion of someone with dementia, the person making the funeral arrangements may not be able to remember them very long after making them.) It can be written down anywhere on anything, as long as it can be FOUND when needed. The plan should also include projected costs so that pre-funding can be considered as well. (The next installment will discuss payment options.)

The first part of the written funeral plan is to find a pre-need funeral checklist or shopping list. There are pre-need checklists online. (You can find many of them through a search engine.) Funeral homes (and funeral providers that don't have a funeral home) have pre-need checklists available as well. Pre-need checklists are often a sales tool for funeral services, so they focus on the services offered by funeral homes.

Unless the person trying to pre-plan the funeral can find a satisfactory checklist online, the person should identify a funeral home that he or she would like to use. The choice of funeral home at this point isn't necessarily final for the eventual funeral services. The family can choose a different funeral home, if they wish, when the person eventually passes away. When that funeral home has been identified, the person should visit (if possible) and get a pre-need checklist.

The person planning the funeral can use the pre-need checklist for a large portion of the planning necessary for the funeral. If the pre-need checklist came from a funeral home, it will almost certainly make available all of the services that the funeral home offers. The person planning the funeral can choose or refuse most of those services, but if the funeral home offers a service, the pre-need checklist will probably include it among the choices.

Depending on the final resting place chosen (discussed in the August 14, 2015 installment,) certain services may be required. These potentially mandatory services include embalming and a burial vault. (The vault may or may not appear on the pre-need checklist and may depend on whether the funeral home has a long-standing relationship with one particular or a few particular cemeteries.)

One of the items almost certain to be on the pre-need checklist is a choice of casket. A funeral home will have many models available (in full-size

versions, child-size versions, or photographs) from which to choose. When choosing a casket, the model name will usually be written on the checklist. I suggest that a photograph be taken of the inside and the outside of the casket as well. The model chosen may no longer be in production at the time of death. The photographs will help identify a substitute that is close to the original choice. (I assume that caskets go out of production because a less expensive material or manufacturing process was devised. A casket isn't like a car which people replace every three or four years. Styles don't seem to have changed much over the years either. Nonetheless, casket models do go out of production, so photographs are a good addition to the pre-need checklist.)

The clothing chosen for the deceased is usually listed on the pre-need checklist. In addition, the list also usually includes places to list readings and songs that the person would like. If the pre-need checklist does not include these, the written plan should include them.

In addition to the burial vault and embalming mentioned above, a few other items may or may not be included on the pre-need checklist. (If the funeral home doesn't make money from a particular funeral-related service, the funeral home does not have an incentive to include that service on the checklist.)

For example, flower arrangements are usually purchased from a florist. If floral arrangements aren't listed on the pre-need checklist, the planner should visit a florist and choose what he or she wants. (Flowers are a staple of funerals, so most pre-need checklists include them. Some lists don't, though.)

Pre-need checklists don't always include a minister as an available choice. (This is rare, but it does happen sometimes.) If the funeral needs a particular minister or a minister of a particular denomination, the plan should make sure to include that choice. (If a particular minister is desired, the plan should include a back-up. That one particular minister may not be available.)

Similarly, the pre-need checklist may or may not ask about a place of worship. If there is a particular place where the funeral should be held, that place should be listed on the funeral plan. If a memorial service is preferred over a funeral, that choice should be made clear on the plan. (Obviously, a place of worship and a choice of minister often go hand-in-hand, but not always.)

If there will be a burial or placement into a mausoleum, there will probably be a charge for opening and closing the grave. Unless the funeral home is affiliated with a particular cemetery, this item is unlikely to be included on the pre-need checklist. To avoid a last-minute surprise, this cost should be obtained from the cemetery and included on the plan.

The repast (the meal after the funeral and sometimes called the funeral breakfast) is often left off the pre-need checklist. This can be a big cost if catered or can be no cost at all if provided by church members or friends.

The planner should think about the meal plans and include the necessary description (and likely cost, if any) in the funeral plan.

Travel needs should also be considered. If the deceased person will need to be transported for burial (most often back to a family home,) the arrangements should be described in the plan and cost projections included.

If loved ones will need to travel to the funeral, the plan should include how those loved ones will travel and how much that travel will cost.

Finally, the plan should include a list of people who must be told of the person's death. If possible, the plan should include contact information for those people.

Similarly, the plan should include a draft death notice. The person planning his or her own funeral should get a chance to have the death notice say what he or she wishes.

Planning a funeral can be traumatic, or it can be cathartic. Either way, a person facing dementia should get a chance to plan the funeral he or she wants before that chance is taken away by the dementia.

With dementia already affecting the person and, because of the dementia, long term care likely in the future, planning a funeral is more important and more pressing. If the costs of long term care force the person to seek Medicaid coverage, the Medicaid application process will almost certainly ask about funeral plans and also about pre-payment.

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

08-27-2015 Rise in #Autism may be due to change in #Diagnosis standards not actual rise of disease <http://ow.ly/QqPYg>

08-26-2015 Tips for #FamilyCaregiver to keep #AgingParent healthy <http://ow.ly/Qr2Sw>

08-25-2015 Does #LongTermCareInsurance fit into your plan for #LongTermCare? <http://ow.ly/Qq3XI>

08-24-2015 How #ArtTherapy helps #AgingParents <http://ow.ly/Qr1Ca>

08-23-2015 The fallacy of the "Simple" #Will in #EstatePlanning <http://ow.ly/Qr7RI>

08-22-2015 How #SeniorFraud and #ElderAbuse can devastate an #AgingParent and Family <http://ow.ly/Qr6h7>

08-21-2015 An #18 year old #Teenager (aka a new adult) should prepare a #HealthCarePowerOfAttorney <http://wp.me/p47F09-dH>

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

The Koewler Law Firm News

9-22-2015 Jim Koewler will discuss Money Management for Seniors at Chambrel of Montrose, a Brookdale Community, in Akron, Ohio.

9-24-2015 Jim Koewler will discuss Helping Reluctant Seniors accept the benefits of Long Term Care at Stow-Glen Retirement Village in Stow, Ohio. Continuing education credit is available for Certified Case Managers, social workers, counselors, and nurses. (rescheduled from an earlier date)

10-28-2015 Jim Koewler will discuss Preventing Senior Fraud at Southwest General Medical Center in Middleburg Heights, Ohio. Continuing education credit is available for social workers, counselors, and nurses.

Older items of firm news can be found in the [news archive](#) on the firm's website, ProtectingSeniors.com.

Jim's available presentations

- Overcoming Seniors' Resistance to Long Term Care (Continuing Education credit available for social workers, counselors, nurses and Certified Case Managers)
- Preventing Senior Fraud (Continuing Education credit available for social workers, counselors, and nurses)
- My Care Ohio and Medicare/Medicaid “Dual Eligibles” (Continuing Education credit available for social workers, counselors, and nurses)
- Navigating Medicaid, Medicare, and the Affordable Care Act (Continuing Education credit available for social workers, counselors, and nurses)
- What people Know about Long Term Care that is Wrong (Continuing Education credit available for social workers, counselors, and nurses)
- Government Benefits that can help Pay for Long Term Care (Continuing Education credit available for social workers, counselors, and nurses)
- Legal Issues for People with Dementia (Continuing Education credit available for social workers, counselors, and nurses)
- Veterans Benefits for Long Term Care (Continuing Education credit available for social workers, counselors, and nurses)
- Advance Directives – Powers of Attorney, Living Wills, etc. (Continuing Education credit available for social workers, counselors, and nurses)
- Buying Long Term Care Insurance Wisely (Continuing Education credit available for social workers, counselors, and nurses)
- Planning Ahead to Protect against Long Term Care Costs (Continuing Education credit available for social workers, counselors, and nurses)
- Organizing for Long Term Care (Continuing Education credit available for social workers, counselors, and nurses)
- Pre-planning your Funeral (Continuing Education credit available for social workers, counselors, and nurses)
- Elder Law: A Primer (Continuing Legal Education credit available)
- Protecting your Money when you need Long Term Care and Essential Estate Planning Considerations (with free living wills for up to 20 audience members)
- Myths about Long Term Care Costs
- How to help your Parents Manage their Affairs

Upcoming meetings

8-28-2015 Eldercare Professionals of Ohio, The Atrium at Anna Maria, Aurora, Ohio, 9:00 a.m.

9-1-2015 Aging Services Network of Euclid, Picnic, 3:00 p.m.

9-2-2015 Stark Senior Services Network, Canton Baptist Temple, Canton, Ohio, 9:00 a.m.

9-2-2015 Richfield Chamber of Commerce luncheon, Days Inn and Suites, Richfield, Ohio, 11:45 a.m.

9-2-2015 Medina County Senior Services Network's Client Services Committee, Sully's, Medina, Ohio, 3:00 p.m.

9-9-2015 Medina County Senior Services Network, Emeritus at Camelot Place, Medina, Ohio, 8:00 a.m.

- 9-9-2015 Summit Senior Sales, Administrators and Marketers Association, Magnolia Village, Wadsworth, Ohio, 2:30 p.m.
- 9-10-2015 Lorain County Senior Services Network, Wesleyan Village, Elyria, Ohio, 8:30 a.m.
- 9-11-2015 Eldercare Professionals of Ohio, Bradley Bay Health Care, Bay Village, Ohio, 9:00 a.m.
- 9-14-2015 Medina County Senior Services Network's Education Committee, Tres Potrillos, Medina, Ohio, 11:30 a.m.
- 9-15-2015 UH Bedford Medical Center Senior Network, Jennings Center for Older Adults, Garfield Heights, Ohio, 8:30 a.m.
- 9-16-2015 Geauga Professional Association Specializing in Seniors ("PASS"), Maplewood Assisted Living, Chardon, Ohio, 8:30 a.m.
- 9-17-2015 UH Bedford SeniorNet Legislative Awareness Committee, Panera, Warrensville Heights, Ohio, 3:00 p.m.
- 9-22-2015 Summit County Senior Services Network, Anthony Kucko Kertesz Funeral Home, Akron, Ohio, 8:00 a.m.
- 9-22-2015 Professional Networking Group, Montefiore, Beachwood, Ohio, 8:30 a.m.
- 9-22-2015 Wayne Holmes Senior Service Coalition, Wayne County Care Center, Wooster, Ohio, 8:30 a.m.
- 9-24-2015 Parma Hospital Senior Resource Network, Westwood Place, Strongsville, Ohio, 8:30 a.m.
- 9-24-2015 Portage Senior Services Network, Family and Community Services Building, Ravenna, Ohio, 8:30 a.m.
- 9-24-2015 The Association of Specialists in Aging, Mentor Senior Center, Mentor, Ohio, 8:30 a.m.
- 9-25-2015 Eldercare Professionals of Ohio, Broadway Care Center, Cleveland, 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.

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.

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