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Seniors and Special Needs News - January 22, 2016

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 Alternatives to Guardianship

This week's newsletter continues the discussion of Legal Issues when someone has Dementia. The introductory installment ([April 30, 2015](#)) put forth the issue of "Who can speak for someone with dementia?" The [May 14, 2015](#) installment discussed the situation where the person with dementia has Advance Directives in place. The [May 21, 2015](#) installment discussed the legal issues in determining whether a dementia sufferer can choose to have new Advance Directives prepared. The [May 30, 2015](#) installment discussed options in preparing a Health Care Power of Attorney. The [June 4, 2015](#) installment discussed how to decide whether to prepare a Living Will. The [June 11, 2015](#) installment discussed some of the basic issues in preparing a General Power of Attorney. The [June 18, 2015](#) installment discussed the importance of making the General Power of Attorney "durable." The [June 25, 2015](#) installment discussed the importance of NOT making the General Power of Attorney "springing." The [July 2, 2015](#) installment discussed revoking prior Powers of Attorney. The [July 9, 2015](#) installment discussed Do Not Resuscitate orders. The [July 16, 2015](#) installment discussed the Right of Disposition designation. The [July 23, 2015](#) installment discussed the Will (or Last Will and Testament.)

The [July 31, 2015](#) installment discussed beneficiary designations on life insurance policies, IRAs, annuities, etc. The [August 6, 2015](#) installment discussed whether to pre-plan a funeral. The [August 14, 2015](#) installment discussed choosing a final resting place. The [August 27, 2015](#) installment discussed pre-planning a funeral ceremony. The [September 3, 2015](#) installment discussed when and how to pay for the pre-planned funeral. The [September 10, 2015](#) installment discussed medical insurance choices. The [September 17, 2015](#) installment discussed long term care insurance. The [September 24, 2015](#) installment discussed obtaining the services of an elder law attorney. The [October 1, 2015](#) installment introduced the topic of guardianship. The [October 8, 2015](#) installment discussed the guardianship application. The [October 22, 2015](#) installment discussed the family conflicts that can arise during a guardianship proceeding. The [November 13, 2015](#) installment discussed the determination that someone is legally incompetent as part of the guardianship proceedings. The [November 19, 2015](#) installment discussed the concept of Less Restrictive Alternatives in guardianship proceedings. The [December 4, 2015](#) installment discussed choosing the best guardian. The [December 11, 2015](#) installment discussed the difficulties that might arise for a family member acting as guardian. The [December 18, 2015](#) installment discussed the difficulties that a family might face if a professional guardian is appointed for a loved one. The [January 15, 2016](#) installment discussed the termination of a guardianship. Today's installment will discuss alternatives to guardianship proceedings.

When someone has dementia and he or she seems to no longer have the ability to make decisions necessary to prepare powers of attorney and, for whatever reason, a guardianship is not appropriate or not wanted, options for having one person specific person able to make decisions have become limited.

Now, even though the person seems to longer have the ability to prepare powers of attorney, he or she might have some lucid moments in which to make such decisions. The family can seek the help of an estate planning attorney. If the attorney is satisfied that the person can decide to sign powers of attorney, the attorney can prepare them. These new powers of attorney designate who can make decisions when the person's lucid moments have gone.

In the absence of the person's own ability to make decisions and the absence of someone appointed to make decisions (either through a power of attorney or a guardianship,) the caregivers for someone with dementia have to rely on guidance from the next of kin (which can be very tricky if the family disagrees.)

If even input from the next of kin isn't available, the caregivers are left to their consciences. They must do what is necessary for the person with dementia and do what they know in their hearts to be the right thing to do.

With the difficulties, inconveniences, and sometimes strife that can come from a guardianship proceeding, some families in which someone suffers from dementia might choose to forego guardianship and, instead, muddle through as best they can. I can't fault families that make this choice.

Unfortunately, some people with a disease that causes dementia will not have a designated decision-maker. In such cases, caregivers are forced to do their best with only their own caring hearts and their experience to guide them.

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 since the last newsletter

01-21-2016 Planning long term for an adult child with
#SpecialNeeds <http://ow.ly/W92Mm>

01-20-2016 #CarePartners (#Caregiver and #OlderAdult needing care)
emotionally linked <http://ow.ly/Xcagi>

01-19-2016 Planning ahead to pay for #AgingParents
#LongTermCare <http://ow.ly/WQJ2r>

01-18-2016 People and activities in #NursingHome prevent #Loneliness and
#Isolation for #OlderAdults <http://ow.ly/WIm6T>

01-17-2016 #EstatePlanning attorney that can write a #Will is NOT same as
#ElderLaw attorney who can help with #LongTermCare <http://ow.ly/WQKaT>

01-16-2016 Worried after seeing your #AgingParent over the holidays? Seek
out an #ElderLaw attorney. <http://ow.ly/WQJWN>

01-15-2016 #Legal Issues when someone has #Dementia – Terminating a
#Guardianship <http://wp.me/p47F09-fw>

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

3-24-2016 Jim Koewler will discuss Ethical Issues in Case Management and
Discharge Planning at ManorCare in Mayfield Heights, Ohio. Continuing
education credit is available for Certified Case Managers, social workers,
counselors, and nurses.

3-30-2016 Jim Koewler will discuss Ethical Issues in Case Management and
Discharge Planning at Medina General Medical Center in Medina, Ohio.
Continuing education credit is available for Certified Case Managers, social
workers, counselors, and nurses.

4-14-2016 Jim Koewler will serve as Master of Ceremonies for the Senior
Citizen Prom sponsored by the Soprema Wadsworth Senior Center at the
high school in Wadsworth, Ohio.

