

Aging Happens: Better to prepare too soon, than wait until it's too late

By Ellen Waldman

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There are two main items that might need some clarification for families and friends of those diagnosed with dementia and other memory impairments. One is how to communicate effectively, and the other is the advice to not waste one moment in getting the proper legal/medical/financial documents in place. Here's a story that illustrates this vital need to plan in advance. In another column, I'll present a true story about how two family members tried to address this important communication aspect.

Bill and Helen live in a lovely retirement facility in Medford. Both had been doing just fine, until Bill started having "mini-strokes" or TIA's (transient ischemic attacks), as they're called. His memory was failing, as was his ability to manage his normal monthly finances. Helen used to be an investment expert, so she took over this task. But after many months of Bill's continued decline, both cognitively and physically, Helen's memory was also being impacted. It's well known that stress caused by caring for a loved one can create a serious health issue for a care provider. In this case, and at this point, neither one was really tracking too well.

Helen decided that she needed to make sure all her documents were in place. She could not remember what she had already done, and where they were being stored. Here's the gist of this story. She was shocked to realize they had no advance directives, expressing their medical wishes and appointing someone to advocate on their behalf, should the need arise. They also lacked an actual will or trust, and there was no durable power of attorney, allowing someone to step in and help them, which at this point, they sure needed.

Basically, they had to start from the beginning. Somehow, it just slipped their minds to attend to this years ago. They could not really envision the need would arise "this soon." This is an example of people thinking they had plenty of time to organize and prepare. Was it too late now? Here's what happened next.

First, Helen and Bill, with some expert coaching, were able to fill out their advance directives and get these forms into the right hands. Next, the services of an estate planning attorney, Michael Mayerle (541-779-8900;

www.roguelaw.com/attorney/michael-j-mayerle) were enlisted. There are quite a number of estate planning and elder law attorneys in Ashland and Medford, but in this case, Mike was the one they chose. He came to their apartment to meet with them in person.

In order to begin to prepare their wills, he needed to know what their wishes were for the remainder of their estates, after each one had passed away. Helen and Bill shared their wishes with Mike and his legal assistant. Mike returned a few days later to have them sign their wills, and once again, asked what their wishes were. Helen was able to repeat her original plan exactly the same as she did the first time. But on that day, Bill was not as clear about his choices as he had been during the first meeting.

Helen shared that he had taken a fall the night before and was more confused that morning. The will that Mike created for Bill could not be signed, as his intentions seemed to have changed. Without this same understanding and clarity, it was not possible to have Bill sign this will. A person must be very clear-minded and consistent in their wishes. The bar is rather high for this, and with good reason. If there are any questions about the person's capacity, it's possible that someone down the line, like a family member, could contest this will. They could claim that the person was not in their full capacity when they drew this up, and that's when legal troubles begin.

For Bill, the outcome regarding his will is still ongoing and uncertain. He would have saved a load of worry for himself and his family if he had done this years ago. So, this is a cautionary tale of not thinking it's too soon to go over your documents and to make sure they are accurate, appropriate and in place. My famous, and by now repetitive statement, is that it's always too soon, until it's too late.