

“Tough Conversations”

An Elder Law Attorney Perspective on Aging Parents: 3 Approaches to the Tough Conversation and the Necessary Documents

By: Dana Larsen

Going home for the holidays is normally a fun family tradition where you get to reconnect with your loved ones whom you haven't seen in months, or even years. It's the time of year for tasty food, warmth by the fire, jovial festivities and, of course, conversation.

But sometimes these joyful occasions can illuminate health or cognitive issues in our older loved ones. Mom and dad may have aged more than expected, or suddenly seem to need more assistance with daily tasks. Or maybe your elderly loved ones are doing fine, but you recognized that they are getting older; and the reality is that you need to discuss important topics and decisions for their retirement, their advanced years and end-of-life wishes.

These tough conversations can be uncomfortable, but A Place for Mom expert and elder law attorney [Stuart Furman, Esq.](#) advises that these talks are necessary:

“You need to shift perspective and think of these talks as a gift, both from the parent to the children as well as from the child to the parent. There has to be a trust relationship where the parent understands that you will not be taking control but rather you are going to be carrying out the aging parent [or loved one's] objectives. Help them understand why these conversations are crucial to help them prepare for the future.”

A Guide to Assuring Senior Loved Ones are Prepared

Furman, an estate planning eldercare attorney, got thrown into becoming a caregiver and the eldercare journey himself, when his own parents began to need help and realized how important it was to collect information, and have it available to make these very important life decisions. This was the catalyst for his books, [The Eldercare Ready Book](#), an informative guide that tells families what to expect and how to prepare for the senior care and aging challenges, in addition to his [The Eldercare Ready Pack](#) which is a concise ready pack to help families gather and manage their elder's medical, financial, emotional and logistical affairs. He notes:

“After watching thousands of families struggle through the eldercare process, I wrote a book and accompanying guide that takes out all the guesswork for families starting their eldercare journey by showing them how to pack all the necessary information into one place. Whether you go it alone or use a resource like my books, I can't emphasize enough the importance of planning ahead.”

Furman also explained that once he started writing his books he realized how much information was needed that most people would never have thought of.

It's no secret that the need to care for an aging family member tends to sneak up on everyone involved. Both adult children and their parents tend to avoid thinking about getting sick or old.

But when the crisis eventually occurs, as millions of families have already discovered, Furman explained that it is more difficult to cope with the uncertainty, stress, and confusion of eldercare due to a lack of clear understanding and preparation. “By anticipating what will be needed for your eldercare journey, you can make the trip much less stressful for everyone involved. It’s important to know what to expect.” Furman shares his insight with A Place for Mom to help families prepare for the difficult eldercare journey ahead of time and demystify the confusing process of eldercare.

“There used to be only two absolute truths. Death and taxes. But there is a third, and that’s eldercare. The only questions are: how long is it going to last and how intense is it going to be? And you NEED to be prepared while mom and dad are still competent,”
Furman comments.

Here are three approaches to delicately handle the ‘tough conversation’ of senior care with your aging loved ones:

1. Keep Your Parents in Control

This is difficult on many levels, according to Furman. Most parents still feel they should be the ones in control. After all, they are the parent. However, as the parent’s mental competency wanes, the access to their information and desires is also lost. If you let them be in control while still allowing you to do what needs to be done, that will help ease their distress. Begin the conversation and preparation where they can control what their desires and wishes are for the future, so that you can work together with them to put the right plans in place. Letting them know that their wishes are the only things that are important. You are there to assist them. You are “Partners-in-Care”.

2. Make Sure To Create the New Trust Relationship

There has to be a new trust relationship if you’re going to be carrying out your loved one’s objectives. The role reversal that most people have heard about is real. The parent now has become the cared for person. But stating it that way tends to upset the parent and create many roadblocks. Look at this in a different way. You are not becoming the authority figure, but rather you are merely becoming the agent for the parents. “Just like with a power-of-attorney, look at it not as control, but that you are the troops helping deliver your parents’ wishes. This helps to soften the conversation,” notes Furman. Let them know that you are there to help make sure that their wishes are carried out for them, if they are not able to do so on their own.

3. Gather the Information Easily

This is where Furman’s [The Eldercare Ready Pack](#) comes in handy as it helps families easily gather all the information they need. Children or family members can present the packet to the parents as a gift to assist them with their own personal organization, and ask that they complete it so that they can be prepared for what the future holds. The “Pack” will also alert everyone to myriad issues that would never have been thought of, which of course will help the entire family with their eldercare journey. Once the Pack is completed the result is that you also have the information and documentation that will be needed to assist them, whenever and however necessary.

Making guesses about your parents' wishes and their vital information during a crisis most often results in a bad situation, and potentially bad decisions, for everyone involved. Gathering the information ahead of time is the best way to prevent this problem. Furman concludes, "I can't emphasize more how much information needs to be readily at hand and packed in your eldercare suitcase."

Remember also that just because you are not yet a senior citizen does not make you exempt from dying or becoming mentally incapacitated earlier than expected. So this early preparation and packing your suitcase is for everyone!

Necessary Documents for Eldercare Readiness

Our life is bookended by essential documents. And by the time we've lived our lives, we have many important and official documents. These documents are necessary for family members to successfully carry out end of life care and wishes. But which documents are the most important? Furman's *The Eldercare Ready Pack* is an excellent resource to alert you to all of these documents, but here is a quick rundown of the important documents you will need and should be discussed with your aging loved one.

Financial Information You Need

Financial information can be crucial in many instances for timely, efficient and more affordable care. Here is a list of some vital financial information:

- List of all bank accounts
- Pension documents, 401(k) information, and annuity contracts
- Tax returns
- Savings bonds, stock certificates or brokerage accounts
- Partnership and corporate operating agreements
- Deeds to all properties
- Vehicle title
- Documentation of loans and debts, including all credit accounts
- Trust documents and durable financial power-of-attorney (financial proxy)

Also critical is access to the information. Just because you may know what the parents own, does not mean you can get access to information regarding the assets, or be able to transact on behalf of the parent. This is where having proper releases, or a power of attorney or trust, on file with the asset holders, and having it accepted as being sufficient for the particular purpose, is necessary.

Healthcare Documents You Need

If a senior becomes incapacitated or can't communicate, it's important that the senior's wishes be stated in a living will or health care advance directive, and also that someone with the authority to represent the senior has been designated. Furman explains, "When you have an older parent, you never know what healthcare problems will arise, or when you'll have to visit a hospital. Being able to quickly grab official paperwork such as a healthcare power-of-attorney or

an advanced-health-care-directive can eliminate a lot of stress at the hospital. Doctors want proof that you are the decision maker and you want to make things as easy as possible on family members and all of the decisions should already be made.”

Important health care documents include:

- Health care proxy (durable health power-of-attorney)
- Authorization to release health-care information
- Living will (healthcare directive)
- Personal medical history
- Insurance card (Medicare, Medicaid, Independent)
- Long-term care insurance policy
- Lists of current medication and health conditions

When it comes to health care decisions, remember that the agent is the proxy for the parent in carrying out health care decisions in the same manner that they would have had they been able to. Parents or family members need to provide a lot of detail. A broad statement is not enough. Many of my clients say they “don’t want to be hooked up on tubes”, or they “don’t want life support” which really does not give much guidance when a specific health care decision needs to be made.

If specific wishes are not clearly communicated, the family and kids have to step up and decide what to do based on their own idea, or best guess, of what mom or dad may have wanted in a specific health care situation. This fuels the flames of family battles as these decisions, albeit in good faith, are made subject to each child’s biases and life experiences. It is up to the parents to clearly state what they want, so that everyone can just focus on delivering those wishes.

End-of-life and Estate Planning Documents You Need

It’s emotionally challenging when a loved one dies; family members don’t need to also feel overwhelmed trying to sort out end-of-life affairs. “We can save ourselves and our loved ones the burden of disorganization at this crucial time by making sure that documents related to estate planning and end-of-life have been drawn up, are up-to-date, and easily available,” discusses Stuart. Essential end-of-life documents include the following:

- Will and trust
- Life-insurance policies
- End of life instructions letter (regarding wishes not covered in will, for example regarding memorial, or items not covered in the will)
- Organ donor card or information

Appropriate estate planning documentation is also necessary if you’re in any situation where the ability to do estate planning is at risk. Get more detailed estate planning preparation information in Furman’s [“Why Estate Planning Procrastination Kills Your Options”](#) article.

Beginning The Eldercare Journey

Furman's book and packet are an excellent resource to help guide your family through the eldercare journey. "Based off my own experiences with my family and my law background, I wanted to come up with a guide that gives families the information they need, rather than tell families how to do things. That way it's customized and families can get all the important information and do what's best for them," notes Furman. So if you are headed home for the holidays, take an expert's advice and plan ahead. Even if your senior loved ones are in good health, start the conversation about end-of-life wishes early. It's better to be prepared and to let your parents know you are their advocate, or their "troops," as Stuart so eloquently relates.

About Stuart Furman, Esq.

[Stuart Furman, Esq.](#), is an elder law attorney of 34 years. He is President of the Southern California Legal Center, Inc. and Eldercare Ready, LLC, and author of *The Eldercare Ready Book* (2015) and *The Eldercare Ready Pack* (2015). He has been featured on AARP, Forbes, Maria Shriver, and many others. His books are available online with most online retailers. For further information, and a link to purchase the books, please visit www.eldercareready.com, or www.StuartFurman.com. You can also reach him at 877-820-3335.

Is your aging loved one prepared for the future? Have you had the very important discussion with them to make sure you can carry out their wishes? What tips do you have for others that are just beginning this process? Share your thoughts with us in the comments below.