Planning to Keep Control

September 2, 2021 | Arthur P. Bergeron | Articles

Does this dilemma sound familiar? On one hand, you want to keep control of your life and make all of financial and medical decisions yourself. On the other hand, you want to be sure the "right" person (the person you trust) is appointed to make those decisions for you, and moreover, how you would want them to be made, should you become frail or fall ill.



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Oftentimes, seniors fear that if you delegate too much authority too early, either your thoughtful child will become over-protective and take charge before it is time, or the person you thought you could trust may end up making decisions that are really not what you would have wanted. So, what should you do?

First, consult with your elder law attorney. It may be that you only need a Power of Attorney to allow someone to manage your finances if you are incapacitated. Alternatively, if you own some assets as the trustee of a trust, the trust document may need to be amended to make it clear who may handle things if you can't. If you're thinking of putting assets into an irrevocable trust for asset protection purposes, you may want to make sure that you retain the power to remove the trustee if you think that person is acting against your interests. Depending on the situation, you may also want to make sure that the successor trustee does not stand to inherit remaining trust assets after you die, and therefore will not find any decisions clouded by self-interest.

Similarly, you should have a Health Care Proxy agent who will make the

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decisions regarding your health. Of course, that means naming someone you can "trust;" someone who will make the decisions that you would have made, even if that person would choose a different option for themselves. It means more than that, though. It means having a conversation with that person about what is important to you, about the things that make life worth living for you, and about how to decide (if you cannot) when medical interventions that cause nausea, pain, or other side effects should be rejected, even if that rejection means your death may be more imminent. Once you've had that conversation, you may want to write down some of your wishes to help your agent decide what to do in times of stress.

It's your money and it's your life. By planning ahead, you assure that your money is spent and your life is lived on your terms.

For more information on living with memory loss, watch this month's elder law virtual seminar, which can be watched on Frank and Mary's YouTube channel, www.youtube.com/elderlawfrankandmary, and on your local cable station, along with Frank and Mary, where my co-host and I address many common issues facing seniors and the resources available during the pandemic. As always, if you have any questions or would like additional information, please contact me at (508) 860-1470 or abergeron@mirickoconnell.com.

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