

# ELDER LAW *Update*

NEWS AND IMPORTANT INFORMATION FOR SENIORS AND THEIR FAMILIES

## CAREGIVER AGREEMENTS SAVE MONEY AND PRESERVE FAMILY HARMONY



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Anyone serving as a caregiver for an aging relative knows that it's hard work no matter how much you love the person to whom you are providing care and service, and in many cases it can be a severe financial hardship as well. Studies have shown that the child who serves as the primary caregiver for aging parents can lose over \$500,000 over a lifetime in reduced salary and retirement benefits!

What many caregivers (and recipients) do not know is that you can care for the one you love AND avoid sacrificing your financial well-being by executing a caregiver agreement; a formal contract under which a relative is hired to care for one or more elderly family members. In these contracts the parties agree upon what the job of caregiver will entail and how much the caregiver will be compensated.

This may sound like a somewhat cold contract to have between family members, but don't be fooled. Caregiver agreements come with a number of benefits, not the least of which is that money given to a son or daughter under a caregiver agreement is not considered by the government to be "a gift" when an elderly person is trying to qualify for Medicaid.

Executing a caregiver agreement can be a HUGE benefit to your family, but you must make sure it's done correctly. These

agreements are legal contracts, and should include details such as the cost of services, the duties the caregiver will be performing, and even medical and/or financial powers of attorney, if making decisions will be part of the caregiving duties.

Finally, all contracts must be executed in advance of receiving compensation. We simply cannot stress this enough. It is not acceptable to execute a contract after mom has given you a large sum of money and then say "this \$100,000 was for looking after mom."

If you would like more information about caregiver agreements, please contact our office. Whether you are the care provider or recipient, we can help make the caregiving process a little bit easier on you and your family.



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# HOW TO HELP YOUR ELDERLY PARENTS WHEN YOU LIVE FAR AWAY



We often have clients come to us with questions about how to help their aging parents. Some of these clients have mom or dad living with them or very near to them, but many are asking about parents who live far away. What we've found is that the fears and questions of the adult child living far from an aging parent are very different from those of a son or daughter living close by. Here are some of the more common concerns we hear about in our office, and some suggestions for addressing them:

**I worry that when I talk to my parents on the phone I'm not getting the whole truth about their health or situation.** This is one of the most common concerns of long-distance children. The best thing to do is be up front with your parents. Tell them that you want—and need—to know the truth, even if they think it will worry you. If you still don't think they're being completely honest, enlist the help of a sibling or nearby friend or neighbor who can be your eyes and ears. You can also ask your parents to sign a waiver with their doctor giving him or her permission to share their medical details with you.

**I'm afraid that my mom is losing the ability to manage her money and could end up broke.**

Seniors are the most common victims of financial fraud, and it's hard to keep tabs on mom or dad if you live far away. The best way to prevent financial fraud is to talk about money with your parents early and often. It may

go against the grain, but discuss your own finances with them if it will help them open up about theirs. Warn them about responding to letters they may receive from promotion companies or shady looking "charities"; and put your parent's phone number on the National Do Not Call registry (1.888.382.1222 or [www.donotcall.gov](http://www.donotcall.gov))

**I feel guilty that my sister (who lives in the same town as my parents) is shouldering the bulk of the burden.** The sibling who lives closest does often end up being the physical caretaker of elderly parents, but that doesn't mean those who live far away can't help. The most common contribution from long-distance children is financial support—and that's no small thing! Offer to pay for a housekeeper, in-home care assistant, taxi service, etc. And don't forget to talk to your sister about what she needs. Helping your caregiver sibling is another way of helping your parents.

**I love my parents; I want to do more to help than just give them money.** A common complaint of seniors is loneliness and fear of being forgotten. One way to help your parent and help calm your own fears is to simply keep in touch. Make a point of calling your parent on a weekly or bi-weekly basis. Send frequent cards or e-mails. Plan a family vacation that your elderly parent can be a part of. You can help your parents with your expertise as well; try to be involved in "the big stuff" such as meetings with estate planners, financial planners, nursing staff, or geriatric care managers. And most importantly, work regular trips to visit your mom or dad into the budget. There's really no substitute for face-to-face communication.

**I think that my siblings close to mom and dad are making the wrong decisions for them, or are pressuring them to make decisions they don't really want to make.** Undue influence is a serious accusation, and if you truly think your siblings may be threatening or manipulating your parent you should seek the help of a professional. Before you take irreversible action you need to have a private conversation with your parent; ask if they are being coerced and try to determine if fear is a factor. If you still think your parent is being manipulated against their will contact our office immediately.

**I don't want to miss out on what could be my last moments with my parent.** There's just no way around it, your parents won't be here forever, and nobody wants to feel that there were things left unsaid. If you truly worry that your parent is facing his or her last days the best advice we can give is to go visit if at all possible, and make your

visit matter. Look through old photos, talk about your memories, and say the things that need to be said. If you can't visit in person make phone calls or send letters. Don't save your best sentiments for the eulogy—tell your parents how important they are to you today.

## READER'S CORNER: BOOKS ABOUT AGING AND CAREGIVING



Legal updates and hard facts are important, but sometimes you just need a break. When you need some down time novels or biographies can be a low-stress way to learn about the aging or care-taking process, work through feelings of anger or loss, or simply feel that you're not alone. A search on Amazon.com yields a number of books about care-giving, living with Alzheimer's or dementia, and saying goodbye to elderly parents. Here are some of our recommendations:

One of the most highly rated memoirs to be found is ***Mothering Mother: A Daughter's Humorous and Heartbreaking Memoir*** by Carol D. O'Dell. The novel "portrays the experience of looking after a mother suffering from Alzheimer's and Parkinson's with brutal honesty and refreshing grace... With three children and a husband of her own, O'Dell is torn in multiple directions, trying to be mother, daughter, nurse, cook, caregiver, maid, and more to a household of needy people. A beautiful rendering of a difficult but all-too-common situation, told with plenty of

humor, a touch of martyrdom, and much love." (Review by Mary Frances Wilkens, © American Library Association.)

***Dancing With Rose: Finding Life in the Land of Alzheimer's*** by Lauren Kessler is another highly rated memoir. The book is Kessler's account of the months she worked as an unskilled resident assistant in an Alzheimer's facility on the West Coast, and her attempt to resolve her feelings after her own mother, with whom she had a troubled relationship, died of Alzheimer's. Publisher's weekly calls the book "a powerful lesson in the humanity of those we often see as tragically bereft of that quality."

A final suggestion is a novel that looks at Alzheimer's from an insider's point of view. ***Still Alice*** by Lisa Genova is a fictional account of an esteemed psychology professor at Harvard who is diagnosed with early onset Alzheimer's. This story of Alzheimer's told from the inside looking out can give readers a unique perspective on a tragic and often baffling disease.

As we age (and as we watch those we love age) we need many different kinds of support. Having a knowledgeable attorney to answer legal questions is only part of the equation, and it is a role our firm is honored to serve. But we know that emotional support is needed as well; a community of others who have been through the experience and can offer sympathy and encouragement. Many of our clients have found themselves taking on unanticipated roles as their parents grow older. It's not always easy to know the best way to emotionally care for your parents (or in some cases the best way to say goodbye.) We hope that these books can help.