LEGAL PLANNING BASICS

This one-page guide is designed to help caregivers understand the basics of elder law, the role of elder law attorneys, and why early legal planning is essential after a dementia diagnosis.

1 Why legal planning matters:

A diagnosis of dementia affects not only health, but also legal and financial decision-making over time. Because dementia is a progressive condition, planning early, while the person can still participate and express their wishes, is critical. Early planning helps:

- Protect the individual's autonomy and preferences
- Reduce stress and conflict for caregivers and family members
- Avoid costly court involvement later (such as guardianship)
- Preserve assets and eligibility for benefits

2 Key Legal Documents to Know:

- **Durable Power of Attorney (Financial)**: Names someone to manage finances if the person can no longer do so.
- **Health Care Proxy / Medical Power of Attorney**: Appoints a trusted person to make medical decisions.
- **Advance Directive / Living Will:** Documents wishes about medical treatment and end-of-life care.
- **HIPAA Authorization:** Allows caregivers access to medical information.
- **Will and/or Trust**: Directs how assets are handled during life and after death.

Tip: These documents must usually be completed while the person still has legal capacity.

3 What is an Elder Law Attorney?

An elder law attorney is a lawyer who focuses on legal issues affecting older adults and people with chronic illness or disability. Their role is both preventative and problem-solving.

They differ from general attorneys by understanding aging, long-term care systems, and the realities caregivers face.

4 Delaying legal planning can result in:

- Loss of the person's ability to choose decision-makers
- Family disagreements or confusion
- Emergency court proceedings (guardianship or conservatorship)
- Higher legal costs and fewer options
- Once capacity is lost, options become limited.

5 Key Takeaways:

Legal planning is not about giving up control. It is about maintaining dignity, honoring wishes, and protecting both the individual and the caregiver. Early conversations and professional guidance can make the road ahead clearer and more manageable.

This resource is for educational purposes and does not replace legal advice.
For more information, resources, or support- please call and schedule a consultation with a social worker.

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