



The Sandwich Generation

**A Comprehensive Resource for Adults “Sandwiched”
Between the Challenges of Caring for Aging Parents and
their Own Family at the Same Time**

- ✓ Discover how to ease the pressure and burdens as an adult caregiver
- ✓ Learn how to secure much-needed benefits and resources to pay for mom and dad’s care
- ✓ Stay in control during a parent’s healthcare crisis
- ✓ Help your parents protect their independence and honor their wishes through all of life’s transitions
- ✓ Avoid costly mistakes that could put your own family on the hook for long-term care bills and obligations

By: John Carlton Holden, Esq.

Have you ever felt “sandwiched” between the pressures of caring for an older parent and raising your own family?

If so, you are part of a unique group of people known as the “Sandwich Generation.” These are adults who are juggling the roles of caring for their own families (including minor children) and aging parents at the same time.

The emotional, physical and financial strains experienced by those in the Sandwich Generation can be overwhelming and paralyzing.

You may wonder...

“Will mom or dad lose their home?”

“What happens to an inheritance or remaining assets?”

“How do we choose between in-home, assisted living and nursing home care?”

“What if my mom or dad wants to stay home but takes a turn for the worse?”

“Is there a responsible way to protect any assets?”

“What can be protected for the healthy spouse still at home?”

“What happens if we run out of money?”

“How do we get public benefits and will they be enough to pay for all the help we need?”

...and perhaps you don't know where to turn for answers.

The legal and financial strategies you will find in this guide are designed to help you plan ahead and stay in control when facing such difficult decisions. You will discover a wide variety of options that are available for your family that will give you peace of mind and confidence during this challenging time.

While life may seem overwhelming and chaotic at the moment, turning the tables and gaining the upper hand again concerning your parents' care is easier than you think. Solid legal planning is the key to helping your parents receive the best care possible without sacrificing your own family's financial security. This guide will help you fill in the missing pieces of your family's current care plan.

If at any point you have questions regarding your family's situation, I encourage you to jump ahead to the end of this guide and use the certificate entitling you to a free planning session with me a <\$ 250.00 value>.

In the meantime, let's jump into five helpful legal and financial planning strategies to take when caring for elderly, sick or disabled parents.

Strategy # 1: Have “The Talk” NOW with Your Parents About Their Healthcare & Long-Term Care Wishes

It's tough but necessary to talk to your parents about their wishes for healthcare and long-term care.

Let's be honest, no one likes to think about a time when they may be too sick or too old to care for themselves. But, it's a fact of life that needs to be dealt with. Illness, injuries, disability and even death can strike without warning. If you don't talk about these potential health issues NOW with your parents while they are still in good health and of sound mind, there's a good chance you'll find yourself unprepared if a healthcare crisis occurs.



Even if you *think* you have an idea of the type of care your parents would want as they age or when they are no longer able to care for themselves, do yourself a favor and ASK anyway. You may be shocked to learn at this point in her life, mom no longer wants to be resuscitated if something happens to her. Or, maybe dad wants the family to do everything possible to keep him at home in his senior years instead of going to a facility. These are preferences that your parents are unlikely to bring up to you, but you'll be empowered to honor their wishes if you simply ask.

Another thing to keep in mind is that a lack of clarity surrounding an older parent's wishes for health or long-term care can tear even the closest family apart during a crisis.

My office frequently gets calls from distraught adult children, asking me to help them because one sibling or family member is making decisions that they believe their mom or dad would have NEVER wanted. Sometimes the fight is over life support; one sibling wants to keep mom or dad on a ventilator or feeding tube while the other siblings feel the parent would have wanted them to “pull the plug.” When no reasonable compromise is possible, these issues end up with lawyers and the courts involved.

If only there was a healthcare power of attorney or living will that mom or dad had created in advance, much of this fighting (not to mention the time and expense of lawyers and court fees) would have been avoided. The children would have instead been empowered with a solid roadmap that lays out ***what Mom or Dad wants***—not the children. This removes much of the pressure to fight over decisions during an already emotionally-charged time.

That's not the only reason to create a healthcare power of attorney, however. This document is also important to give the parent a say in *whom* they want to make life or death decisions for them in a health care crisis.

Someone has to be in control if a parent cannot speak for themselves. If the parent does not have a proper healthcare power of attorney in place, a local court will be the one to decide who this person is. And, it may shock you to know that the person they appoint does not have to be a family member! It could be a total stranger that gets the right to call the shots over your parent's healthcare. I'm pretty sure you would never want that, nor would your parents. So take the time to choose a healthcare agent (the person who can legally make decisions) and document mom or dad's wishes in a health care power of attorney while they are still of sound mind and legally able to sign their own documents.

Still feeling uncomfortable about having this talk? Use the following conversation starters and Healthcare Quiz on the following pages to get the ball rolling.

Healthcare and Long-Term Care Conversation Starters

Sit down with your parents in a relaxing and non-threatening environment as you gently and thoughtfully discuss the following topics. Remind your parents that there are no right or wrong answers and no pressure to answer a certain way because they "think" that's what the family wants. Ask them simply for their honesty as you explore:

- What kind of lifesaving procedures would they want performed if necessary? Some examples to provide them may be CPR and defibrillation.
- Are there any lifesaving procedures they would NOT want performed? Feeding tubes and ventilators would be some examples.
- Who do you want to make medical or financial decisions for you if you become incapacitated?
 - If appropriate, would they rather live in an assisted living facility or have in-home assistance?
 - If it's necessary for them to go to a nursing home, how would they want to pay for it?
 - Do they have an up-to-date estate plan? If so, where can we find the documents and what is the name of their attorney?

By starting out with these basic questions, you may find that your parents' wishes differ from what you believed them to be, but you will also find that your duties as a caregiver are much clearer now that you have the information necessary to make difficult decisions and plan ahead.

Healthcare Quiz

The healthcare quiz below is a valuable tool to use when planning for long term care with your parents. Have your parents complete one copy of this quiz according to their wishes, while you complete a second copy based on what you *believe* their wishes are. Then compare your answers.

How well did you do at guessing your parent's wishes? These questions can highlight areas that you and your parents may have different opinions.

If you had a degenerative disease such as Alzheimer's that was so advanced that you were no longer able to recognize or communicate with your loved ones, and you were not able to be fed by spoon, would you want to have a feeding tube inserted through your stomach?

- A. Yes
- B. No
- C. Uncertain

Consider the following scenario: You are gravely ill and your doctor recommended that you undergo chemotherapy, a treatment that typically has many unpleasant side effects such as nausea, vomiting, fatigue, weakness, and pain that may last for several months and this treatment will provide a less than 5% chance of regaining your health. Would you undergo this treatment and endure these side effects?

- A. Yes
- B. No
- C. Uncertain

Imagine the same situation above, though your condition is terminal. The chemotherapy mentioned earlier may extend your life by six months. Would you endure the side effects for this chance?

- A. Yes
- B. No
- C. Uncertain

Which of the following is your biggest end of life fear?

- A. Loss of cognitive abilities
- B. Constant pain
- C. Causing financial stress for loved ones

Consider a situation in which you are terminally ill and in constant pain. The doctors can sedate you, even to a state of unconsciousness, in order to control the pain. This being the only way to control the pain, would you want to be sedated?

- A. Yes**
- B. No**
- C. Uncertain**

Imagine that you have mental confusion brought on by moderate dementia, and you are able to recognize and interact with friends and family about half the time. However, you have had one leg amputated due to circulatory problems. You are currently facing an amputation of your other leg due to the same problem, as it could be fatal. Would you chose to have your leg amputated?

- A. Yes**
- B. No**
- C. Uncertain**

Which is more important to you: having your specific wishes carried out at the end of your life, even if your family members or friends have different wishes, or have the wishes of your family and friends carried out in order for them to feel comfortable with whatever decision is made?

- A. Follow my wishes, even if it causes disagreement**
- B. Follow the wishes of my family and friends to avoid disagreement**
- C. Uncertain**

Consider a situation where you live in a nursing home and need assistance with most of your Activities of Daily Living (dressing, bathing, eating, toileting). Cognitively, you are fairly clear most of the time. You have had serious lung infections numerous times over the past year, each time requiring hospitalization and IV antibiotics. The next time you get a serious infection, do you want the same aggressive treatment or palliative care until death occurs?

- A. Aggressive treatment**
- B. Palliative care**
- C. Uncertain**

Would you want to donate your organs at death if they could be used to save lives in a transplant operation?

- A.** Yes
- B.** No
- C.** Uncertain

If a feeding tube is necessary to keep you alive even if there is little chance of recovery, should it be inserted?

- A.** Yes
- B.** No

If a treatment is started to keep you alive, is it okay to withdraw the treatment if it has had a negative impact on your quality of life?

- A.** Yes
- B.** No

Should a dying person be given good comfort care at home or be admitted to a hospital for intensive care?

- A.** Comfort care at home
- B.** Intensive care at hospital

Final Thought: Review Your Healthcare Wishes Yearly

Planning for your healthcare never stops. We are all faced with changes in circumstances, lives, and even values and priorities. That being said, it's always a good idea to review your health care power of attorney and advance directive each year, or:

- When you reach an age-milestone (start a new decade of life, reach an age that a close relative passed away).
- When a loved one passes away.
- When you experience a major change in circumstance, such as a divorce in the family.
- When you are facing a serious health condition, whether life-threatening or not.

Real Life Example: The Power of a Living Will

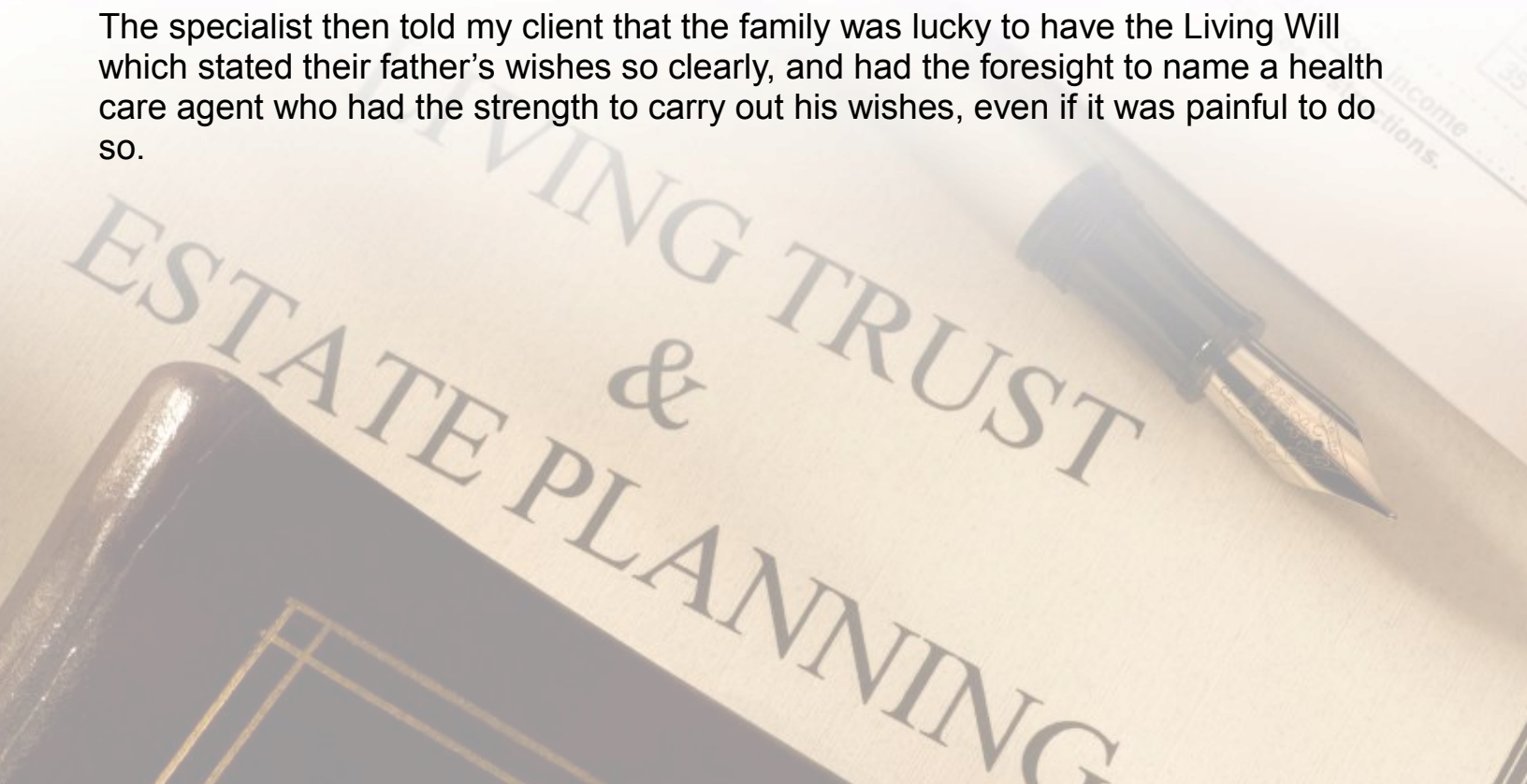
I had a client whose father was in poor health and ended up in the hospital, incapacitated. Without getting into details regarding his condition, the doctors were unsure of his prognosis. At some point, a hospital representative asked my client (the father's adult child and healthcare agent) to sign a release for a PEG feeding tube to be inserted.

My client knew that the Living Will made it clear that his father wanted **no extraordinary attempts to be made to save his life**, which included being placed on a ventilator or having a feeding tube inserted.

However, he was being pressured by the hospital to sign the release, as the hospital claimed that having the PEG inserted was not a "big deal" and basically ignored the Living Will. The son still refused to sign the release, and instead asked to speak with the specialist who was to perform the procedure.

The specialist met with my client, the healthcare agent, and was shown the Living Will. The specialist took one look at the document and told my client that inserting the PEG would be a direct violation of his father's wishes.

The specialist then told my client that the family was lucky to have the Living Will which stated their father's wishes so clearly, and had the foresight to name a health care agent who had the strength to carry out his wishes, even if it was painful to do so.



Strategy # 2: Determine How You Will Pay for Long-Term Care Services

Wait... Doesn't Medicare or Private Health Insurance Pay for Everything?

According to LongTermCare.Gov, the average cost of long-term care is \$6,000 per month for a semi private nursing home room and \$3,500 per month for assisted living. Care.com puts the cost of home health aides between \$19-\$30 per hour—and that's not counting additional medical equipment and services, which often cost families more than \$30,000 per year!

The big elephant in the room when a family faces this type of cost is usually the questions of, “Who in the world is going to pay for this care?” “Will Medicare or health insurance pick up the tab?”



Unfortunately, the answer is *no*.

What most people do not realize is **Medicare**, the federal insurance for senior citizens, only pays for the first 100 days in a nursing home for those needing *skilled nursing care*, and once the 100 days is up, the patient is then responsible for any further costs.

It's important to note that even with Medicare paying the tab in this situation, **the care is not entirely free**. There are co-pays that kick in on days 21-100 at \$161 per day per illness. Do the math! Even with just co-pays to cover; the cost of care often is excessive and unaffordable for most families!

Medicare also does not pay for *custodial care*, which is help with the activities of daily living such as bathing, feeding, transferring, toileting, meal preparation or medication management. These are services that oftentimes are necessary for elderly patients who can no longer care for themselves.

Again, if its assistance with daily living that your mom or dad needs, neither Medicare or private health insurance will pay for the costs that you are about to incur. In the majority of cases, these costs would be paid out of pocket.

You may also be wondering about **Medicaid** (as opposed to Medicare) and whether or not these separate benefits can be used to pay for long-term care.

The answer *is it depends. Let me explain...*

Yes, Medicaid Benefits will cover the costs related to long-term and custodial care. *But*, eligibility requirements for Medicaid are very strict and come with a significant look-back period for asset transfers. At first glance, most seniors initially have *too many assets and too much income* to qualify for Medicaid. Even a modest pension or small nest-egg can push a senior well over Medicaid's asset and income limitations.

That is, unless the family engages in **Medicaid Planning** with a qualified Elder Law Attorney.

Medicaid Planning Opens the Door to Medicaid Eligibility

What most people do not realize is that the state and the Federal Government allow a number of “workarounds” or ways to reallocate a senior's assets to qualify for Medicaid benefits without having to first spend down all of their assets to pay for out of pocket care.

This type of planning is 100% legal, ethical, permitted by the government and a safe and secure way to protect a family's inheritance when done properly.

It's important to note that the options for Medicaid Planning depend heavily upon the State where the senior lives because it is a State and Federal Program. Some States have very flexible Medicaid laws where the protection of assets is relatively simple and straightforward... even if the senior is already in a nursing home or receiving care.

Other states have very strict look-back periods and penalties where it may become “too late” to protect mom or dad's assets.

Of course, the key to avoiding the “too late” answer is to plan as early as possible, while you have as many options as possible! If you find yourself in the position of needing to pay for care today, the first place you should go is to an experienced and qualified elder law attorney's office.

Elder law attorneys are skilled at designing irrevocable trusts and other tools that can shield assets, such as retirement accounts and homes, from nursing homes and other predators, while at the same time ensuring those assets turn into a legacy for the beneficiaries. Advanced planning is needed to assure those assets are properly protected, in addition to avoiding, to the extent possible, penalties associated with Medicaid look-back periods.

Planning too early has never hurt anyone, but planning too late has cost many people their life savings. Even if mom or dad is not quite ready to move into a facility or

doesn't quite yet need 24/7 care, be sure to explore Medicaid Planning with an elder law attorney at your earliest opportunity for the best financial outcome.

Avoiding Medicaid Eligibility Mistakes

When exploring your parents' eligibility for Medicaid, it's important not to overlook any rules that may disqualify them from coverage. Again, many states have a "look back" policy which could result in penalty periods or disqualification, and overlooking one of the rules could negatively affect an application.

For those that have already started the process of applying for Medicaid, there are many pitfalls to avoid. While not an exhaustive list, below are some of the more commonly made mistakes families encounter when trying to meet Medicaid's income and asset qualifications.

1: Making Gifts and Giving Away Assets

Many seniors ask whether they can just give away assets to their loved ones as an alternative to having them "spent down" to pay for long-term care. However, precautions must be taken in order to avoid serious penalties, ineligibility, or worse, charges of fraud. Giving away assets to loved ones during Medicaid's "look back" period may delay or jeopardize your parents' approval, or could even be seen as "fraudulent," causing them to have to repay any benefits already received. Medicaid reviews an applicant's transfers of assets intently, but an experienced estate or elder law attorney can help you navigate the laws & regulations surrounding this issue and avoid any unintended consequences.

2: Ineffective Trusts

Not just any trust can be used to protect assets for Medicaid purposes. This is a huge misconception! A revocable living trust can easily expose your parents' wealth to long-term care costs and creditors. Only trust documents that have the proper provisions for protecting assets, such as certain irrevocable trusts, are sufficient for making assets unavailable for Medicaid purposes. It is important to fund an irrevocable trust with enough time to protect your parents' assets from the State specific look back period, but it's also crucial to start the process before your parents become severely incapacitated or otherwise unable to make legal decisions. This planning step can be tricky, so it's important not to go it alone. You'll want to use the services of an elder law attorney (not just a general will and trust lawyer), as they focus on this type of advanced asset protection planning for seniors.

3: Missing Out on Exempt Transfers

There are certain asset transfers that are *exempt* and *entirely legal* for Medicaid purposes, and very few seniors know how to take advantage of these transfers. For example, under current laws a senior can pre-pay their entire funeral without penalty. If your family didn't know this, you may still be trying to "spend down" all of mom or dad's remaining assets on their care without taking advantage of the opportunity to pay for end-of-life expenses that the family will ultimately be burdened with. To ensure you are keeping as much of your family's wealth and inheritance as possible, talk to an elder law attorney about asset exemptions that may be available.

4: Unnecessary Spend Down

Without question, Medicaid has extremely strict income and asset limitations that must be met in order to qualify. What is not common knowledge, though, is that there are no black and white ways to arrive at these numbers! For example, if your parents have unreimbursed medical expenses, these costs can be used to lower what is considered to be their "countable assets." Many families believe that everything must be spent down to \$2,000 in order to qualify for Medicaid, when in fact their loved ones may actually qualify for Medicaid earlier (and with more money in the bank) than they thought thanks to "gray area" calculations. In order to avoid making this and other mistakes, talk to a professional who can help assess your loved one's specific situation and crunch the numbers to determine what it will take for them to qualify. This is a powerful step in preserving assets and income that you may have overlooked.

5: Not Exploring In-Home Benefits

If your parents wish to stay in their home, they may be eligible to receive assistance from the Medicaid ADvantage Waiver Program, the VA Pension Benefit Program (for wartime veterans) and State-sponsored programs. These programs have eligibility requirements similar to, yet distinct from Medicaid. An experienced elder law or estate planning attorney can help guide you through the similar, yet distinctly different, requirements. However, it is important to note that even with these added benefits, the amount of care these programs provide may, inevitably, be less than the care needed.

Strategy # 3: Create an Up-to-Date Estate Plan

Wills, Trusts, Powers of Attorney, and Living Wills Are Vital Tools for Caregivers.

As our parents get older and begin to lose their independence, many will turn to their adult children to help them navigate the complicated and costly world of long-term and end-of-life care. For adult children already caring for young kids of their own, this new role of “caregiver” can be a difficult one to assume without their parents having the right legal documents in place. Talking to older or retired parents about their estate plan is, at best, a difficult conversation to have, but it is of utmost importance. Simply put, not having documents in place that clearly states what your parents want; can make caring for your mom or dad much more difficult and expensive down the road. From the start, here are a few questions that you will want to get the answers to.



Is There Already a Plan in Place?

There are several things that you should know about your parents’ estate plan, the first is whether or not they actually have an estate plan. If not, you’ll want to start the search for a qualified attorney to get the process started. Not only will an elder law attorney help with necessary estate planning documents, but they can also assist with senior living options, eligibility for various benefit programs, and much more.

Who Is the Executor?

Once it’s been established that there is an estate plan in place, it will be helpful to know who has been named the executor. Because parents don’t always share this information in advance, it can come as a blow to an excluded child. Instead of waiting until feelings are already raw, knowing in advance gives everyone time to accept the decision, not to mention that your parents have an opportunity to explain why they made the choice they did.

Any Surprises?

Speaking of explaining choices, your parents may have included things in the estate plan that aren’t immediately understood by the heirs. For example, perhaps one sibling is given real estate and another is given cash. By discussing the reasons behind these decisions, your parents can make their reasoning clear rather than leaving everyone guessing. This is an excellent way to avoid hurt feelings and

familial drama.

Where Is the Information?

If your parents become incapacitated, would you know where to find their healthcare power of attorney? If you needed to pay their mortgage or car payment, would you know where to send the payment? Would you even know what accounts to access and would you have their passwords to access those accounts? And, if your parent should pass away, would you know where their will is, how to access their safe deposit box, or which funeral home to call?

In order to do any of these things, you need to know where to find your parents' original legal documents. A fireproof safe is a reasonable place to keep them if they're in the home, just make sure that you (or the person designated by your parents) has the combination or key to the lock. Insurance policies, deeds and titles, and similar documents can be organized into a binder to make them easier to work with when necessary. Your parents' elder law attorney will be able to help in determining what should be included in their binder.

What If My Parents Do Not Have an Estate Plan?

If your parents *do not* have an estate plan, this is a project that you will want to prioritize *immediately* for your parents' financial and legal protection and your peace of mind! There are five planning documents that your attorney will likely help your parents create as you work through the estate planning process. They are:

1. Last Will & Testament

- A Will is a written, executed document which directs how a person's estate is to be administered and distributed after death.
- A Will enables a person (a Testator) to appoint someone to manage his or her estate (an Executor) and name beneficiaries who will receive the estate assets after the Will has been filed and admitted for Probate.
- The Executor has no legal status (or ability to act) before a Testator passes away, meaning the Will is not effective in a case of disability or incapacity.
- A Will does not affect how assets pass that do not go through probate, i.e. life insurance, jointly held accounts, and real estate held jointly with right of survivorship.

2. Revocable Living Trust

- A Revocable Living Trust is a written agreement between a Grantor who contributes property and a Trustee who agrees to manage trust property according to the instructions contained within the Trust Agreement.
- A Trust is often used as a way to avoid probate expenses and time delays, protect the family's privacy, put "conditions" around the family's inheritance and in some instances reduce federal estate taxes.
- A Revocable Living Trust ensures that a person can maintain complete control of his or her wealth while capable and that a person's wishes are followed during incapacity and after death.
- When leaving wealth to minor children or grandchildren, a Trust can help ensure that an inheritance is not given to the children in one lump sum before they are mature enough to handle it. A trust gives seniors more flexibility to protect their children's (and grandchildren's) future and their best interests.



3. Power of Attorney

- A Power of Attorney allows an individual (the Principal) to name one or more persons (an Agent/Attorney-in-fact) who can act on the individual's behalf regarding property, legal, financial, health care and personal matters.
- An Agent can have broad or limited legal authority to act on behalf of an individual.
- There are three types of Powers of Attorney: nondurable, durable and springing.
- If your parents' Powers of Attorney are more than a year old, they should have them reviewed and possibly updated by an attorney so they are not considered out of date by various entities.

Living Will/ Advance Directive

- A Living Will provides an individual with the ability to state whether they want their health care team to administer either life sustaining treatment or receive artificially administered food and water in the event of three specific conditions. The conditions that must be present are: (1) a Terminal Illness that is incurable and irreversible, (2) a state of Persistent Unconsciousness and (3) an Irreversible End Stage Condition.
- A Living Will is only effective when it is determined that an individual is unable to understand or appreciate the nature and consequences of health care decisions and unable to communicate an informed decision regarding treatment.
- It is very important that an individual appoint a healthcare proxy who clearly understands how the principal wants to be treated and has the strength to make healthcare decisions in accordance with the principal's wishes.

HIPAA Medical Release

- A HIPAA Medical Release gives authorization to release healthcare information under the Health Insurance Portability and Accountability Act.
- It allows an individual to authorize a representative or multiple representatives to have access to any health information relating to the individual's care and treatment.
- In the absence of a signed HIPPA release, access to medical and insurance records may be restricted for family members trying to help a loved one in an emergency.

The Importance of Keeping a Plan Up-to-Date... and How to Tell If Mom or Dad Have "Inadequate" Documents

According to forbes.com, approximately 51% of individuals between the ages of 55-64 do not have a simple Will. While no numbers were released for how many people do not have an advance directive or have not updated their estate plan in the last 10 years, one can only assume it's at least that much higher.

Outdated estate plans can lead to many complications, such as agents listed who are unable to fulfill their duties or laws that have changed that make the documents inadequate to handle their intended task. Even more disconcerting, if the estate plan was created in a do-it-yourself manner, there's a very good possibility that the documents are invalid, or at the very least not created with long-term care goals in mind.

Essentially, outdated documents can lead to your parents' true wishes not being followed, and may also mean that the assets they leave behind as an inheritance may not go to your parents' intended recipients.

Signs Its Time to Update Estate Planning Documents

Having outdated and incomplete estate planning documents are among the top reasons that people approach their senior years with a false sense of security thinking everything will be taken care of if something happens to them. It's simply not true.

Again, there's a very good chance that the estate plan your parents created 20 years ago will NOT work today to accomplish their goals or objectives. Most likely, their life circumstances have changed and are not accurately reflected in their planning documents.



I can almost guarantee that the laws have changed too, as they do every few years. If a plan is not amended to take into account such changes in the laws and tax code, the plan could wind up as nothing more than an expensive stack of papers. Don't let this happen to your parents!

The following is a list of common situations and “triggers” that may indicate the need to update an estate plan. If your parents have experienced any of these life changes, or it's been at least three years since they have had their Will, Trust or other planning documents reviewed, it's time to take them to an elder law attorney's office for a comprehensive planning review.

- 1) **Marriage or Remarriage.** While a spouse often inherits by default, there are a lot of other considerations that should be looked at when a marital status changes. This is especially true in the case of subsequent marriages and blended family situations.

- 2) **Divorce.** If you don't want your ex-spouse to receive your property upon your death, it's important to meet with your lawyer to assure that your ex's name is removed as a beneficiary of accounts and policies, taken out of your will, trusts, etc.
- 3) **You've been widowed.** When one spouse passes away, the other will need to update his or her estate plan to reflect that change. Not only will your beneficiaries likely change, but you may also have an inheritance from your spouse that now needs to be incorporated into your own estate plan. And, if you and your spouse used a joint trust as part of the plan, its instructions now need to be carried out correctly and promptly.
- 4) **You had a child or grandchild.** The birth or adoption of a new family member means that aspects of your estate plan may need to be changed to accommodate new needs. For example, you may want to create a college fund or set up a trust. Consideration may also need to be made regarding the distribution of assets to children or grandchildren. Creating a trust may also be necessary to hold funds for the children/grandchildren until an age when you believe a beneficiary is mature enough to handle the responsibilities of having an inheritance.
- 5) **Your financial situation has changed.** Whether you've received some sort of windfall, gotten a significant increase in pay, or have lost your job, it is important to review your estate plan to determine if it provides for these changes. If not, you'll need your lawyer to revise your plan appropriately.
- 6) **You've purchased real estate.** A home often represents an individual's biggest life investment, and you want to be sure to cover it in your estate plan. From how to pay it off to whom you want to leave it to and plenty in between, an estate planning lawyer will help incorporate this big change into your existing plan.
- 7) **You started (or ended) a business.** Starting or ending a business warrants a trip to the estate planning lawyer's office for plenty of reasons, not the least of which is that it will certainly have some sort of effect on your financial situation. Succession planning is another big aspect of running a business, as you'll want to clearly outline what is to happen to the business if you die or become otherwise incapacitated. A little legal planning now will save big headaches later.

There are, of course, other events that should trigger a call or visit to your lawyer, but these are some of the bigger events. Fortunately, with the major estate planning done, these types of updates will typically be relatively easy to accomplish while benefiting you and your heirs greatly.

Strategy # 4: Gather Emergency Information Before You Need It

Don't scramble at the last minute to find vital documents and information.

No one wants to look for insurance cards, estate planning documents, or even phone numbers during a crisis situation. All of this takes precious time and focus away from being able to make the best decisions possible for your parents.

Instead, make a list of all the information you might possibly need in a crisis situation, then sit down with your parents to ensure that it's organized and easily accessible in a medical emergency.

When making your list, include the following items:

- Copies of the front and back of insurance cards, prescription cards, and military IDs.
- The names and contact information for doctors and specialists.
- The contact information for their bank, financial advisors, insurance agents, and attorney.
- The location of all estate planning documents, including Power of Attorney, Living Will, Last Will and Testament, and Living Trust.
- A listing of financial accounts and safe deposit boxes, and institutions where they're held.
- Basic medical history, such as medications with dosage, previous surgeries, and allergies.
- Additionally, get user id's and passwords for all online accounts including email accounts, credit card accounts, and financial accounts.

Once this list is completed and you know where all the information is located, ask your parents who you should share this information with. This is sensitive, private information they may not want shared with every family member, but it is also important to make sure multiple people know where to look in the unlikely—but still very possible—even that you are also incapacitated at the time of crisis.

When you determine who should receive the information, make sure to provide them copies of the emergency information list and answer any questions they may have.

Uncovering Secrets: How to Tell if an Elderly Parent's Finances Are Spiraling Out of Control

As you work to gather your parent's important documents, you may begin to develop a hunch that a piece is missing from your parents' "financial puzzle" or that your parents are hiding something. This is not uncommon.

In the older generation, it is still considered fairly taboo to discuss one's financial situation with others. It may be thought of as inappropriate or unseemly, or it may invoke worries of looking like a braggart or of letting others know that they are struggling.



This culture of silence extends to one's own children. Adult children of elderly parents assume that finances are fine because their parents don't come to them when issues do arise. It's not just a matter of pride, but a matter of "this is the way things are." By the time financial concerns are uncovered, they can already have devastated the parent.

So, how do you know if your parents are struggling financially? There are some signs to watch for if you don't believe that your parents are being upfront about their financial difficulties or even the status of their estate plan.

Things to watch for include:

Calls from creditors. This can be a big clue that there is an issue. You may overhear these calls, find them left on the answering machine, or even notice their numbers on your parent's phone logs or caller ID. These calls can also come from individual businesses or credit card companies looking for payment.

Forgetfulness when it comes to money. If your parents seem surprised to find no money in their wallet, it can be a sign that money is getting overlooked. Other indicators can be finding uncashed checks around the house. As parents get older, banking can become more challenging and it is easier to become distracted or forgetful when it comes to taking care of financial obligations. Recognizing this can help prevent major problems before they develop.

Strategy # 5: Get Your Kids Involved

There are some benefits to being in the “Sandwich Generation.”

Caring for your parents and your family at the same time is an exhausting endeavor. You can go from meeting with a care manager at the nursing home to discuss DNR procedures in the morning to a parent-teacher conference at night, all the while trying to keep the information straight and making sure everyone’s needs are met.

Even though you are caring for your family, they are still your built in support system for when you deal with the stresses of caring for your elderly parents. It doesn’t matter if you have young children, teenagers, or college-age kids: each can do their part to help ease your burden and allow you to concentrate on the truly important aspects of your Mom or Dad’s care.



For instance, if you have a son with a driver’s license and a car, you can ask him to take his grandparent to a doctor’s appointment if you are unable to make it. You can also drop off your teenager to sit and visit with her grandparents at the assisted living facility or nursing home. Knowing you have someone there just spending time with your parents can help put your mind at ease if you can’t spend time there yourself. Even your younger children can help out. Something as simple as making a card to bring the next time you visit, or if your parents live with you, let your children help them with small tasks like getting a glass of water or figuring out how to use the TV (it’s amazing what 5- year olds know!).

Most importantly, make sure your children are aware of what’s going on with their grandparents; by having some understanding of what their grandparents are going through, there is a better chance they will have less anxiety and fear than if they were kept in the dark.

Of course, you should keep the information you share age appropriate. Your high schoolers may understand what it means if you tell them their grandparents have dementia or are suffering from a terminal disease, but your younger children will not. Consult with a pediatrician or school counselor to determine the best course of action, but understand that your children know more than you think they do—so it’s always best to be ahead of the curve.

Follow These Strategies and Feel the Pressure Subside

Being a part of the ‘Sandwich’ Generation is not always easy, but by following the strategies set forth in this guide, you can have the peace of mind that you are as prepared as possible.

A great weight will be lifted off your shoulders when you know your parents’ wishes, you have a plan in place to pay for their care, and your family will not have to struggle through crisis after crisis. In addition, your parents will be at ease knowing they won’t be a burden to their family and they will be able to leave a legacy behind for their beneficiaries. This peace of mind starts with them sitting down with an elder law attorney to review your parents’ situation and their goals and objectives, as well as discussing all of their options for assuring independence, protecting assets, and making it easier for their trusted adult children to manage their affairs

A \$ 250.00 Certificate to Help You Get Started

Since you took the time to read this guide and learn the best strategies for helping your parents, I would like to reward your diligence and commitment to education with a certificate to come in to my office for a comprehensive planning session at no charge (\$ 250.00 value).

At this meeting, I will review your current family situation, as well as any documents your parents have in place. If they have an existing estate plan, I will check to see if it is strong enough to protect them as they age and let you know, according to the documents, what you can expect if incapacity or a medical crisis occurred tomorrow.

If it appears that your parents have everything in order and do not require any further planning, I will send you on your way with the peace of mind of knowing that you are well prepared for the future.

However, if your parents don’t have a plan or you are still concerned with the possibilities should they become incapacitated or require long-term care planning, I will guide you in determining your best options based on your goals and your parents’ goals, then craft an estate plan that reflects your parents’ wishes and provides for

their long-term care needs.

Please know that during this comprehensive planning session there is no pressure, no hassle, and no obligation to sign up for legal services. Caring for children, whether they are toddlers or college-aged, and aging parents is hard enough. My goal is merely to help make your life easier and provide guidance so you can avoid financial and legal difficulties as you care for your family.

To make an appointment for your planning session, please call my office at (918) 336-1722 and ask to redeem your certificate from the Sandwich Generation Guide.

I hope you found this information helpful, and if so, I encourage you to share this guide with anyone you know who may also be facing the challenge of caring for both parents and children. Just send them to www.johnholdenattorneyatlaw.com to request a free copy. Remember, time won't always be on your side when dealing with long-term care planning, so I urge you not to wait to use your certificate. I want you to have every advantage when it comes to providing your family with the greatest protection and security during your parents' senior years.

About John C. Holden



John C. Holden is a graduate of the University of Tulsa College of Law. John has practiced law in Northeastern Oklahoma for over thirty years. Over the last 20 years, John has limited his practice to elder law, estate planning, estate settlement, asset protection planning and transactional law. John is a member of Lawyers With Purpose, a national network of elder law and asset protection attorneys.

John provides "leading edge" asset protection strategies to his clients. A client then has the ability to choose an option or alternative that best suits their goals and objectives.

Asset protection planning includes Medicaid Planning and Veterans Affairs Pension Benefit Planning. John's mission statement continues to be : "...to create estate plans that work."

To inquire about an upcoming workshop or to schedule an appointment, please call (918) 336-1722. Or go online to John's website: www.johnholdenattorneyatlaw.com