

HOSPICE GIVING FOUNDATION

LIFE STAGES: FINANCIAL PLANNING FOR PEACE OF MIND

THE BASICS OF LEGAL PERMISSION AND ACCESS TO INFORMATION: When You Are Trying to Help

Communication is key!

To be an effective advocate for a loved one, or to step in and make critical decisions when a loved one is unable to do so, you must have the correct legal permissions. Being related to someone is not enough. Both relatives and non-relatives will need proper legal authority. Communication is key regardless who is appointed to make decisions for you.

The following information is provided to assist you as the person who will be called upon to make important decisions or manage financial affairs for a loved one in the event of an emergency or during a serious illness. This information may be partly or wholly relevant to you, but you should always consult with your legal counsel before taking action.

Though it's difficult to start conversations about later years and end-of-life preparedness, doing so in advance saves a lot of heartache later. The person you wish to help will be able to specify the type and manner of care they want. During the conversation, use the [Important Document Checklist](#) as a guide. Understand you must have your loved one's permission to discuss the specifics of their decisions, their health status, and/or their plans with medical professionals or other advisors. In the best of all worlds, schedule a time to meet together with professionals to discuss how to support and honor the wishes of your loved one.

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What do you need access to and why? Start with the [Important Documents Checklist](#). Determine if these documents are located in your loved one's home, with an advisor, or in a safe-deposit box. Communicate with anyone who has been caring for or providing financial/legal/accounting services for your loved one. Maintain notes of those with whom you speak, being sure to include phone numbers, email addresses, and notes about information they have provided. Determine what financial affairs need to be addressed first: bill payments, loans, etc. Using the [checklist](#) and setting priorities will assist you in managing a complex process.

How can you honor your parents'/loved one's privacy yet be prepared to assist and carry out their wishes? Remember, there is a difference between 'need to know' for legal purposes and 'want to know' to settle a curiosity. Consider what kinds of information may be sensitive and not for discussion with others. Be sure to seek agreement from siblings regarding such matters. Err on the side of caution in order to honor your loved one's privacy.

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What needs to happen to allow you access to documents and the ability to make decisions if the need arises? If you are coming into the situation when the person is in serious need of help and you haven't prepared in advance, begin with these steps:

1. Try to locate legal documents. Although the individual's attorney or physician may not be able to speak to you about specifics, they may be able to give you general advice.
2. Seek your own professional guidance right away. Often people don't seek help early enough in the process. Trying to save money in the short run by not seeking qualified assistance can end up costing you more in the long run.
3. Gather the mail. The mail is a good source of what assets the individual holds, and what bills need to be paid.
4. In the event of serious medical illness or exacerbated medical condition, try to get the individual to visit their physician and ask if you can go along. Many times, if confusion has come on suddenly, the disorientation may be the result of improper medications, or some type of infection or other treatable medical condition. Prepare questions in advance and take notes. Be sure to address legal permission to information or decision making with the physician when there with your loved one.
5. Work collaboratively with other family members or concerned individuals. Communicate often and in the ways that others respond to (e.g. some people don't use email as much and prefer a phone call); trying to manage the situation alone or not sharing information can create more conflicts.