



## Elder Law: Getting ready to leave 'this old house'

August 25, 2013 12:12 am

By Julian Gray and Frank Petrich /

Some of our clients come to us and say, "I'm tired of taking care of this old house. Maintenance, utilities, taxes, cleaning, cooking and worst of all -- stairs, stairs, stairs!"

We all wish to age in place and sometimes it is possible, but can include expensive renovations to the house. Alternate housing requires a good deal of planning to accomplish. Frequently, a heart-to-heart conversation has to occur with a loved one to get the point across that it's time: time for a new phase of life, time for someone else to take on the burden of daily chores, time for safety to trump complete independence -- all in the name of improved longevity in a dignified manner during our "golden" (not tarnished) years. Regardless of how the transition occurs, safety should always be paramount to competing concerns.

Many elderly people rely upon their children for a variety of surrogate decision-making as they give up additional responsibility. Today, many children are geographically scattered, without regular communication among siblings. This scattering has been particularly pronounced, in our experience, in the Pittsburgh area due to the industrial collapses of the 1980s and '90s and the need for children to leave the area to seek jobs.

A friend, in anticipation of her trip south to "pick up Mom" and bring her back to Pittsburgh, commented that this would be the first time she had seen some of her siblings in decades. Imagine the emotions of siblings venturing to Mom's condo having not maintained regular contact with each other in years, let alone their own parent, and how they would function together as a unified group for the best interests of an elderly parent with little or no advance preparation.

That said, here are some tips for helping to deal with such a sensitive situation:

- 1. Work as a team.** If children are going to assist with this transition, it is important that they have the opportunity to voice their goals, concerns and action steps for helping out. If one sibling has radically different views on how Mom should live out the remainder of her life, this should be dealt with in advance so that the group can remain unified to help. This is not the time for dissension!
- 2. Legal documents.** While there are a number of legal documents needed to properly plan for various contingencies, no documents are more important than a properly drafted General Durable Power of Attorney and Advance Directive for Health Care. Consult an experienced estate planning or elder law attorney to explore the options of what choices are important to seniors when preparing these documents.

3. **Downsizing.** We all accumulate a mountain of personal items over many years. However, if you own a three- or four-bedroom home with a basement and shed, you are probably going to have to get rid of a lot of stuff to make a move to a one- or two-bedroom apartment. While family members can roll up their sleeves and help with this task, there are a variety of services out there that specialize in helping seniors "downsize." This may include services such as selecting appropriate furniture that will fit into the new space to selling unwanted items through auction.

4. **Regular meetings.** It took one of us some time to like green beans. It may have been because his parents told him he would like them and that he should try them. Like anything, we all like to make our own decisions, especially important ones such as where we will live. Many of our retired clients are quite content with their daily lives -- not worrying about having to work, golf, lunch with friends, exercise, visit the grandkids, etc. However, it is important to introduce the topic of transition before a crisis occurs. Our hope is that our parents never have to leave their home for medical reasons. But, being prepared for that contingency can make a huge difference in the choices that are available when in crisis.

5. **Finances.** Once a person moves into alternate housing, many financial calculations change. Depending on the alternate selected, gone may be the payments for home maintenance, taxes, insurance and contingent repairs and the individual can focus on relatively fixed costs on a monthly basis, which helps provides a level of comfort for those on a fixed income. There also may be various options available to pay for care in a community that the resident is not aware of or may not realize could be available with some pre-planning. Therefore, another component of this transition is to find out what financial resources are available to help pay for these costs as well as to perform a comprehensive financial review to make smart decisions about from where to draw funds to pay for care which may have related tax planning considerations and other strategies to review.

While the decision to move from one's home of many years to alternate housing is a significant "life step," it can best be handled with pre-planning and careful attention to the needs of the elderly person who is seeking or who needs a higher level of assistance and safety.

Self-determination by the parent is an important factor in the decision-making process, and while many elderly parents rely upon their children for assistance with this transition, family members must always be aware of the emotional impact of this change and assist with compassion wherever possible.

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First Published August 25, 2013 12:00 am