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Member, National Academy  
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## HOW TO APPROACH YOUR PARENTS ABOUT THEIR ESTATE PLAN

Oast & Hook often hears from children who are concerned that their parents may not have an estate plan in place. The children are worried that if something happens to one or both parents, then the children will not be equipped to assist their parents, and many times the children have no idea where the parents stand financially. Understandably, these subjects may be hard for children to discuss with their parents. The children do not want to appear greedy, and the parents may fear loss of control or independence. The discussion foreshadows a role reversal between parents and children, and therefore the conversation can carry heavy emotional weight. Dysfunctional families face additional challenges when trying to assist senior family members. The upcoming summer months may present an opportunity for parents and children to visit and thus can be an ideal time to approach this issue.

How can you approach your parents about these issues? First, you should get your own house in order; make sure that you have executed your own will, durable power of attorney, and advance medical directive. After you learn about these tools, then you should be able to approach your parents by referring to your work with an elder law attorney and what you found out. Then ask your parents if they have done the same planning. The goal is to balance safety with independence, and to not wait until an emergency strikes to start planning. Don't first ask them if they have done a will; this approach can reinforce any impression of greediness on your part, and it can scare away those parents who don't want to think about their own mortality. Focus instead on the durable power of attorney and advance medical directive; ask your parents who can make financial and medical decisions for them if they cannot make them for themselves. Many parents may assume the worst – that you are asking because you plan to put them in a nursing home and wrest control of their finances. To avoid this reaction, you can

give the example of a temporary disability that may require someone to help pay the bills or make medical decisions. If your parents already have a plan in place, then see if they will let you know where they keep their documents. If you can, ask to review their documents and get the name of their attorney. The attorney may not be able to talk with you at that point in time, but you will know where to turn in case of an emergency. If your parents do not have an estate plan in place, then you should suggest that they make an appointment with an elder law attorney. Your parents may let you schedule an appointment for them, but you need to be aware that the parents, not the children, will be the clients of the attorney.

You will also want to know where your parents keep other important documents and things like safe deposit box keys, birth certificates, passports, deeds, insurance policies, investment and bank statements, tax returns, Social Security numbers, and medical insurance cards and information. If your parents do not want to share this information with you, then ask them to prepare a list and let you know where the list can be found in case of an emergency. You should assess your parents' current financial situation to see whether your parents have sufficient income and resources to meet their needs. You may want to consider purchasing long-term care insurance for your parents if it is affordable and they can qualify. If your parents will not discuss these issues with you, then you should ask a trusted friend of your parents to talk with them to encourage a family dialogue.

Oast & Hook can assist families with their estate and long-term care planning needs. If plans need to be made or if existing plans need to be changed, the time to accomplish these objectives is prior to an emergency, while the parents still have the capacity to get their affairs in order.

### **Speakers**

If you are interested in having an Elder Law attorney from Oast & Hook speak at an event, then please call Jennifer Lantz at 757-399-7506.

### **Oast & Hook**

Oast & Hook is an elder law firm. We represent older persons, disabled persons, their families, and their advocates. The practice of elder law includes estate planning, investment and insurance advice, estate and trust administration, powers of attorney, advance medical directives, titling of assets and designations of - beneficiaries, guardianships, conservatorships, and public entitlements such as Medicaid, Medicare, Social Security, and SSI, disability planning, income tax planning and preparation, bill paying, account management and reporting, care management, and fiduciary services. We also handle litigation involving these issues, such as will contests and estate administration disputes. For more information about Oast & Hook, please visit our website at [www.oasthook.com](http://www.oasthook.com).

Oast & Hook is the Virginia member of the Special Needs Alliance, a nationwide network of disability attorneys. As members of this alliance, we assist personal injury attorneys in resolving their cases to enhance the judgments and awards of their disabled clients and to maintain the eligibility of these clients

for SSI and Medicaid. We are experienced in protecting the public benefits of persons with special needs and in assisting with the management of their assets. For more information about the Special Needs Alliance, visit its website at [www.specialneedsalliance.com](http://www.specialneedsalliance.com).

### **Distribution of This Newsletter**

Oast & Hook encourages you to share this newsletter with anyone who is interested in issues pertaining to the elderly, the disabled and their advocates. The information in this newsletter may be copied and distributed, without charge and without permission, but with appropriate citation to Oast & Hook, P.C. If you are interested in a free subscription to the *Elder Law News*, then please e-mail us at [eln@oasthook.com](mailto:eln@oasthook.com), telephone us at 757-399-7506, or fax us at 757-397-1267.

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**[www.oasthook.com](http://www.oasthook.com)**

Our website contains information about Oast & Hook and an archive of our newsletters and other estate planning, estate administration, and elder law articles in searchable format.

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