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*Special needs require special lawyers.*

### INSIDE THIS ISSUE

- How to Approach Your Parents About their Estate Plan
- In Memoriam
- Announcements
- Distribution of This Newsletter

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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, 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. Dysfunctional families face additional challenges when trying to assist senior family members.

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 the decisions for themselves. 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 a 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 such as 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. 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.

To help overcome this generational communication gap, here are ten conversation-starting questions that adult children should ask their parents, as well as resources for dealing with these often difficult issues.

1. Do you feel comfortable about your financial situation? Would a financial planner be helpful?
2. Do you have an estate plan?
3. Who should handle your finances if you become ill?
4. In the event you become seriously ill, what level of care and intervention would you like?
5. Do you have enough health insurance?
6. Do you feel your physician is well-informed about issues common to older patients?
7. Can we make your home more comfortable?
8. Are you feeling secure about driving?
9. Can you share your thoughts about your funeral?
10. Can you compile a list of all your important information?

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, then the time to accomplish these objectives is prior to an emergency while the parents still have the capacity to get their affairs in order.

### **In Memoriam**

It is with sadness that Oast & Hook announces that Linda Carson died on July 1, 2009. A paralegal at Oast & Hook, Ms. Carson was a dear friend to her co-workers and clients. We will miss her friendship, her laughter, and her unwavering dedication to our clients.

Ms. Carson leaves behind to cherish her memories her husband, Billy; two daughters, Tricia Worley and Amber Caporuscio; son, Jason; sister, Helen Miller; brother, Bobby Bradley; six grandchildren, Brent and Chelsea Worley, Jacob and Ashley Tucker, Tyler and Kalea Caporuscio; one great-grandchild, Makaela Worley; and two sons-in-law, Brad Worley and John Caporuscio.

### Announcements

Oast & Hook attorney Sandra Smith will participate in a panel discussion entitled “Senior Services 101” at 9:30 a.m., Saturday, July 11th at Commonwealth Assisted Living at Hampton, 1030 Topping Lane, Hampton, Virginia. The panel will consist of speakers from Oast & Hook, ElderLife Financial Services, Senior Services of Southeastern Virginia, Solutions Home Care, Tidewater Mortgage Services, and the Alzheimer's Association. This presentation is free and open to the public. For more information or to register, please phone 757-431-8825.

Oast & Hook is co-sponsoring a presentation with Seniorcorp entitled “Life Care Planning and Veterans Benefits.” This informational seminar will cover veterans benefits, asset protection, retirement living, and home health care services. There will be two sessions. The first one is at 2:00 p.m., Wednesday, July 29th at the Williamsburg Library, 515 Scotland Street, Williamsburg, Virginia, and the second session is at 6:00 p.m., Wednesday, July 29th at the Brittingham-Midtown Community Center, 570 McLawhorne Drive, Newport News, Virginia. These presentations are free and open to the public. For more information or to register, please phone Jennifer Lantz at 757-399-7506.

### 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 *Oast & Hook News*, then please e-mail us at mail@oasthook.com, telephone us at 757-399-7506, or fax us at 757-397-1267.

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