

glossary of legal terms

ADVANCE DIRECTIVE

A legal document that protects a person's right to refuse medical treatment that they do not want, or to request treatment that they do want, if they lose the ability to make decisions for themselves. It incorporates the Power of Attorney for Health Care, Instructions for Health Care, and Organ Donation.

ATTORNEY-IN-FACT

Also known as the Health Care Agent. The person named to act on one's behalf in an Advance Directive.

BENEFICIARY

The person(s) who receives the benefits of a life insurance policy, living trust or a will.

CONSERVATEE

A person who is incapacitated and for whom a Conservatorship has been set up.

CONSERVATOR

An individual who is appointed by the court to act on behalf of a person who is incapacitated.

CONSERVATORSHIP

In California there are two forms: the person and the estate. In the former, the person's medical care, personal care and housing are covered, while in the latter, the financial part is covered. There can be one Conservator over both parts or they can be separate.

EXECUTOR

The person named in a will who is chosen to manage the estate of a deceased individual.

GRANTOR/TRUSTOR

The creator of the living trust.

IRREVOCABLE TRUST

A trust which has terms that cannot be changed.

POWER OF ATTORNEY – FINANCIAL

One or more individuals selected by you to immediately, or in the future, assist you with your finances in the event of incapacity.

PRINCIPAL

The person signing the power of attorney to authorize another person to legally make decisions for him/her.

PROFESSIONAL FIDUCIARY

A Guardian, Conservator or Trustee who is registered with the court and/or state organization.

REVOCABLE LIVING TRUST

A device that describes certain property, names a trustee and names a beneficiary who receives benefit from the trust. It can be revoked by the person who created it during that person's lifetime.



SOCIAL SECURITY RETIREMENT BENEFITS

Benefits for eligible workers and their families when the worker retires. The worker must work for a certain period at a job that is covered by Social Security and the worker must be at least 62 to receive retirement benefits.

SOCIAL SECURITY DISABILITY BENEFITS

Benefits paid to disabled workers and their families following a waiting period.



SPECIAL NEEDS TRUST

A special trust that provides a fund to supplement the governmental benefits of a beneficiary, while not affecting that beneficiary's eligibility for public benefits.

SUPPLEMENTAL SECURITY INCOME (SSI)

A federal program which provides cash assistance to the aged, blind and disabled who have limited income and resources.

TESTATOR

The person who executes a will.

TRUSTEE

The individual, bank or professional fiduciary who manages the assets of the living trust.

WILL

A document that a person signs directing how he/she wants his/her estate handled upon death. The terms of a will are effective only upon the death of the testator.

alzheimer's  association

Los Angeles, Riverside & San Bernardino Counties Chapter

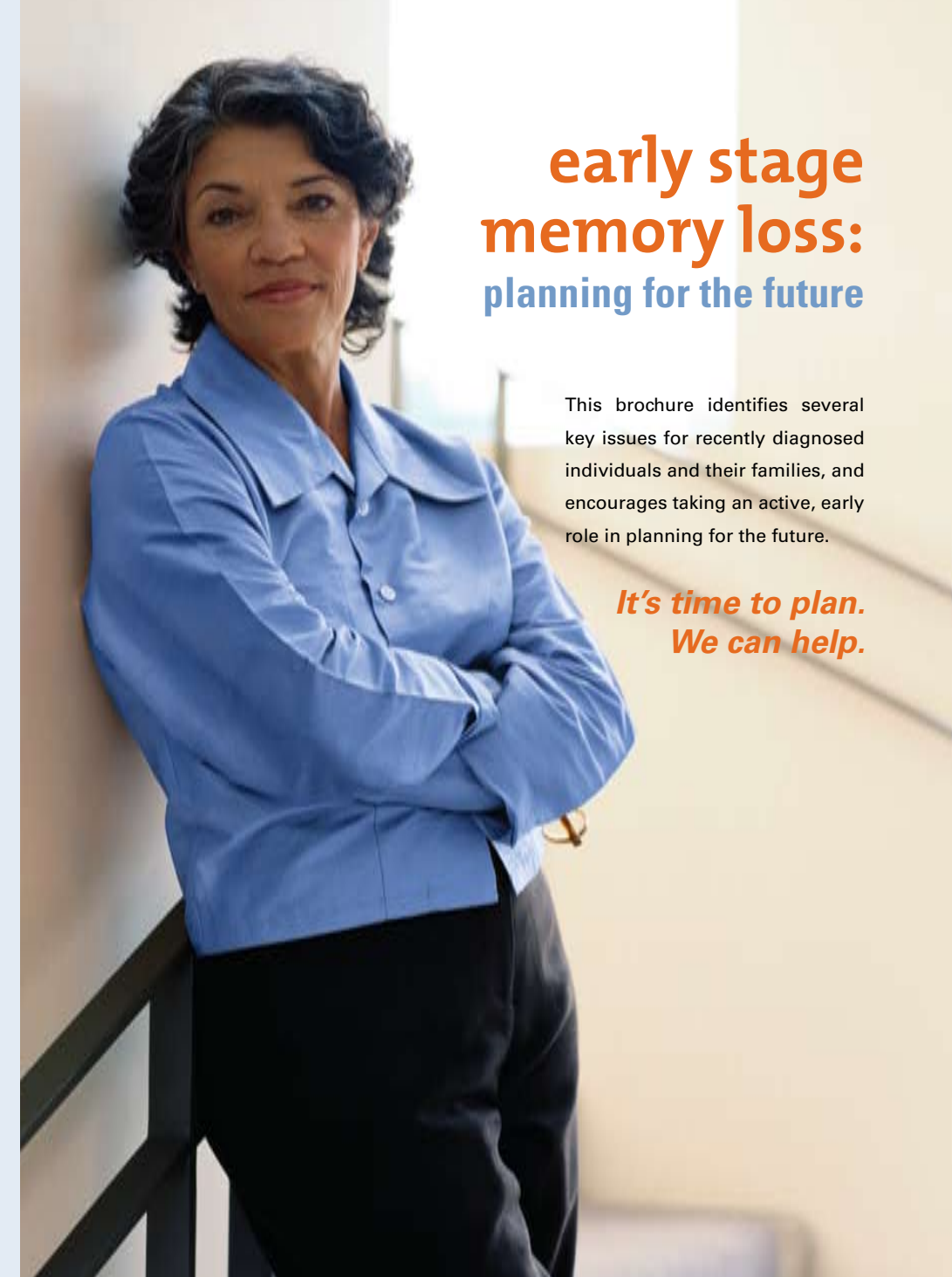
www.alzla.org 800 272 3900 Helpline

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early stage memory loss: planning for the future

This brochure identifies several key issues for recently diagnosed individuals and their families, and encourages taking an active, early role in planning for the future.

*It's time to plan.
We can help.*



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Where to Start

1 Partner with your doctor

First and foremost, your relationship with your doctor is very important to make sure you receive a full diagnostic work-up.

An early and thorough diagnosis...

- allows you to start taking medications sooner which can help you maintain a better quality of life for a longer period of time
- allows you time to check into your insurance coverage and make decisions about a long-term care plan with your family and qualified professionals
- allows you time to make plans for yourself and your family

2 Make sure all legal documents are in place

These documents will provide a roadmap for the person(s) you choose to make sure your healthcare and assets are managed as you'd like. Also, if there are any individuals you do not want to make legal decisions on your behalf, it's a good idea to point that out as well.

3 Choose and put in charge those you trust sooner rather than later

If a co-trustee or co-agent is put in place early, you can have the chance to see for yourself if you've chosen the right person. You can work together and test whether they are doing things the way you'd like. This allows for peace of mind and a smoother transition for both parties alike.

4 Examine your benefits strategy

If you're age 65 or older, the main source of your health coverage is likely Medicare, which covers inpatient hospital care, some doctors' fees and medical items, as well as outpatient prescription drugs.

However, people under the age of 65 ("early-onset") are often unable to get medical insurance and sometimes they lose their benefits if they must retire early. It is very important to ask your employer about any disability policy and ongoing insurance. If the sole option is Social Security disability, you'll have an approximate two-year wait before Medicare becomes effective. You may want to consider Medi-Cal as a form of gap insurance.

5 Find out about resources

Contact the Alzheimer's Association at (800) 272-3900 for help with services, including information about the Memory Club, a 10-week educational support group for families coping with early stage dementia.



6 Meet with an elder law attorney

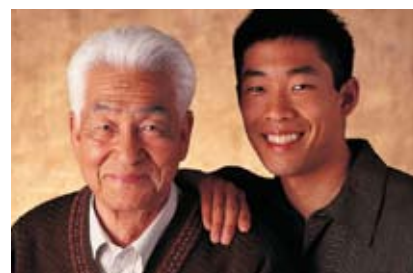
These professionals are more likely to be knowledgeable about handling dementia cases. Always ask beforehand if they're specifically experienced in this area.

Important issues to discuss:

- Options for health care decision-making and property management
- Possible coverage of long-term care services

What to bring to the meeting:

- Insurance policies & list of cash values
- Stocks and bond certificates
- Bank & brokerage account information
- Pension and other retirement benefit summaries
- Social Security payment information
- Rental income paperwork
- Deeds and mortgages
- Monthly or outstanding bills
- Copies of recent tax returns
- Health insurance policies
- Admission agreement to any healthcare facilities (if applicable)
- List of names, addresses, and phone numbers of all important parties, including: family members (a family tree is very helpful to have), financial planners, accountants, caregivers and physicians



If you are considering or have purchased long-term care insurance...

- Check on whether there's a waiver of premium.
- Is Alzheimer's disease covered?
- What's the daily benefit and is it adjusted annually for inflation?
- What is the length of time that benefits will be paid and is there a maximum lifetime payout?

knowledge is power... know your options

Assistance and care can take many forms over the course of your illness.

Keep in mind as you plan:

- Management of finances over your lifetime
- Management of your personal care, such as living arrangements and medical decisions
- Preserving the family assets so that your spouse and family are protected
- Providing payment of long-term care through private insurance, Medicare (very time limited), Long-Term Care Medi-Cal or Supplemental Security Income (SSI)
- Distribution of your assets upon death

Identify potential expenses:

- Medical treatment for dementia (including diagnosis and follow-up visits)
- Treatment for other medical problems
- Prescription drugs & personal care supplies
- Adult day services
- In-home care services
- Full-time residential care
- Respite care for the family caregiver
- Home renovation
- Insurance costs

If your spouse works:

A working spouse may need to increase his or her own life or disability insurance. Also, if contemplating cutting back on hours or leaving employment, check that this health insurance will remain in force without an increase in premium.



Some General Tips for Legal Planning

Always name a successor or "back-up" agent in case the primary agent becomes unable or unwilling to act.

Think about having a neutral third person as an agent under the power of attorney if immediate family members don't get along.

Stipulate any children or other family members that rely on you for assistance.

Be sure physicians and other health care providers have a copy of the power of attorney for health care and a signed living will on file.

Address any needs of the blended family, if applicable.

Be sure that all designated individuals have a copy of the power of attorney and have access to the original document.

If there is no family member or friend available who has the time or expertise to manage your estate, consider having a professional fiduciary as trustee.

Specify if there are any religious issues about your care.

Be specific about gifts to charities.