

How to Take Care of Momma

All of us had Mommas. Some of you are Mommas. And some of you have Mommas you are helping as they age. Some of you may be Dads or have Dads you are helping. So I have several audiences today – as persons who have parents you are helping or as a parent whom your children may be helping or will need to help in the future. As we age, the roles of children and parents often are reversed. So please listen to these comments, derived from years of experience with many seniors in all these roles, and apply these ideas to yourself in all the roles you play – child and/or parent.

The key to caring for Momma is good planning that enables her to maximize her quality and quantity of life with quality care given by Momma's loving family and friends.

Planning for Incapacity – Momma's Inability to Care for Herself

Avoid Guardianship – If not, a court will control Momma's assets, her life and those caring for her until she dies. And it is costly, time consuming and restrictive.

Durable Power Of Attorney – Momma empowers trusted loved ones to take care of her business affairs while retaining her power to act as long as she can. Be very careful about who is granted the awesome power to handle all Momma's business affairs, making critical decisions and transactions that can strip Momma of all she has. Unify the responsibility of caring for Momma with the authority to pay for that essential care.

Living Trust – Momma empowers her Trustee to manage all of the property she places in her living trust for her continuing benefit throughout the rest of her life.

Care Management – A relationship with experienced geriatric care managers who can provide Momma and family information, education, skills and motivation.

Long-Term Care – Momma may not be able to live in her home and will need a place to live with medically necessary care. If she cannot pay for it from her own assets, she may qualify for government benefits – probably Medicaid – to help her. If Momma will plan far enough in advance, she will have more options for receiving quality care. Perhaps in the future we can share more information about planning for long-term care. For now, be sure Momma keeps excellent records of all income and expenses. Do **not** shred bank statements. Be very careful about making any gifts or transferring any assets to any children, family, etc. without consulting with a capable elder law attorney.

Planning for Medical Decision-Making – When Momma Can't Decide

If Momma does not have a plan for making critical medical decisions, the State of Texas has one for her and she won't like it! Momma needs to fully empower her loving caregivers with proper legal documents allowing them to care for her and do it now.

Advance Directives are the group of documents Momma needs for others to care for her.

1. **Medical Power of Attorney** – Momma empowers people she trusts to make medical decisions when she can't and lists their successors. Momma retains full power to make her own medical decisions until she can no longer do so or communicate them.

2. **Advance Directive to Physicians and Family or Surrogates** – Momma sets out her instructions and decisions for her end-of-life care when she will not be able to communicate her wishes regarding artificial life support. “Don’t keep me here.”

3. **Do-Not-Resuscitate Order** – Momma orders all emergency personnel not to try to resuscitate her when her heart and breathing have both stopped. They are not to begin life support. “Don’t bring me back.” This should be kept near Momma.

4. **HIPAA Authorization** – Momma authorizes all medical providers to share her protected health information with people she trusts. They can know of her medical condition and her location and talk with Momma’s doctors about her care.

Caution: Beware of do-it-yourself and fill-in-the-blank forms. They may **not** work as you intend. Completing them could void the ones Momma signed previously.

Planning for Death and Distributions of Property – When Momma’s Gone.

Prepaid Funeral Plans – If Momma plans and pays for her funeral and burial plots she will help her family through this crisis of her passing. Momma can leave full instructions about how she wants to be honored and remembered long after she is gone.

Will – Momma’s instructions for the distribution of her property to those she loves and wants to benefit. To be effective, the will requires a probate process that is usually relatively simple. However, probate is public so anyone can find out what Momma had, its value and who she gave it to. It can also cause a contest against the will.

If Momma does not leave a Will, the State of Texas has one for Momma and she won’t like it! This is called “intestacy” and should be avoided. Momma’s family will face complex problems and much higher costs of administering her estate without a Will.

Momma’s Will can set up a trust for the benefit of children or grandchildren who have special needs and might be entitled to receive government benefits. If they are not entitled to such benefits, the trust can ease them into their inheritance Momma has left to benefit them and keep them from being overwhelmed and spending it too quickly .

Living trust – As an alternative to a will, Momma can leave her instructions for the distribution of her assets with a living trust. Benefits are ease of administration after death, reduced court involvement and costs, and increased privacy from prying eyes.

Conclusion: Taking care of Momma will certainly be made easier for all concerned if Momma will just plan now for the rest of her life while she is fully capable of doing so.

Remember – Jesus said, “Honor your Daddy and Momma that your days may be long upon the earth.” So please take good care of them – or of yourself as Daddy or Momma.

Mark R. Ensign, JD, CPA

Attorney & Counselor at Law

Ensign Law Firm, P.C.

3131 S. Bell, Suite 202

Amarillo, Texas 79106-5030

806-373-7705

MrEnsign@ensignlaw.com - www.ensignlaw.com