

The Owl

on with life



february 2015

*W*elcome to the first edition of **The OWL**. The goal of this newsletter is to encourage people who are growing older to keep on with the business of living. We want the experience of growing older to focus on achieving and maintaining a quality of life that is enjoyable and desirable.

The owl has long been a symbol of wisdom. The owl is patient and observant before acting. The owl has the capacity to look ahead and behind – all with the twist of its head! It learned through experience that impatience and the failure to look all around will spoil the chance for success. As we grow older, we should take advantage of the opportunities which lead toward the desired quality of life. Being patient and obtaining useful information can increase a favorable future outcome for our present-day decisions.

In each edition of **The OWL**, we will spotlight a West Michigan agency or program that provides services, programs, or benefits to people who are growing older. In this edition, we take a look at the **Caregiver Resource Network**.

The Caregiver Resource Network (CRN) is a collaboration of 150 West Michigan organizations that provide for the needs

of family and professional caregivers. CRN is facilitated by the Grand Rapids Community College Older Learner Center and the Area Agency on Aging of Western Michigan.

CRN is a network of providers and services for caregivers. On its website, CRN offers articles on a variety of topics of interest to caregivers. The website alerts caregivers to upcoming events. In addition, the website offers several radio programs the viewer can click on to listen and learn more about a particular topic.

CRN also helps caregivers find a support group in the greater Grand Rapids area. There are support groups on illnesses and issues such as dementia, diabetes, cancer, and grief. Support groups provide encouragement, and members offer invaluable advice to support and coach each other through difficult times.

New this year, Caregiver Resource Network is offering the Family Caregiver University. These workshops offer practical information and support to caregivers, often those who are thrown into the caregiving role with little training. For a list of the winter classes, go to the website listed below. Here is a sneak peak at some of the workshops being offered:

Heads Up!

The lame duck session of the Michigan legislature produced new legislation regarding continuing care contracts and the facilities that use them. The OWL will report out on the changes next time.

- Fall Prevention and Home Safety: January 21, 2015
- First Aid and Emergency Preparedness: February 18, 2015
- Technology to Manage Medications and Care: March 18, 2015
- Understanding Dementia Behaviors and Tips for Communicating: April 15, 2015

All classes are held at the Area Agency on Aging, 3215 Eaglecrest Drive NE, Grand Rapids, MI 49525

For more information about CRN, find it at www.caregiverresourcenetwork.net or call the Area Agency on Aging at 616.456.5664.

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What is Undue Influence?

It comes as no surprise that as we grow older, we may need to rely on family members to help us out from time to time. Perhaps we helped our parents as they grew older or a parent is asking us now for help.

In some instances, the helper thinks that we need more help than we actually do. And sometimes that person believes he or she is entitled to an economic benefit for helping us. In order to achieve that economic benefit, the helper engages in undue influence to manipulate a senior person, who often is quite capable of good decision-making, to make unusual or abrupt decisions that ensure that the helper receives an economic benefit. But until there is an unjust economic benefit, the influencing activities do not violate the law. When an unjust economic benefit is finally exposed, a complaint against the helper may be difficult to pursue if the influencing activities cannot be identified or proven.

Here Are Basic Activities of Undue Influence.

- Isolating senior person from other family members and friends; denying visits and phone calls with family members and friends
- Selecting an attorney, financial advisor, physician, or long term care facility for the senior person without input from other family members or the senior
- Using the role of fiduciary or confidant to the senior person to gain access to medical records and financial records; coercing senior person to change durable power of attorney documents to appoint the helper as fiduciary agent, thus giving the helper control over money and assets
- Describing a senior person as confused, demented, or ill and unable to manage his or her affairs without obtaining confirmation of that medical or cognitive condition by a qualified professional
- Taking senior person out of state without the knowledge of other family members (also known as “granny snatching”)
- Convincing senior person to draft new

estate planning documents which enhance the gift to the helper while taking away gifts for previously identified beneficiaries; the change of position is often dramatic with the helper taking all and other beneficiaries receiving litter or nothing.

- Sitting in on conversations between the senior person and his or her attorney, investment advisor, physician, etc. These conversations are confidential and privileged, and the presence of the helper prevents the senior person from disclosing concerns or requesting help
- Convincing senior person that the helper should be granted economic benefit because of the help he or she is giving

How Can Undue Influence be Overcome?

- Sign a release of information form which permits senior person’s attorney and investment advisor to contact each other if suspicious behavior arises regarding accounts, investments, legal documents, etc.
- Inform all family members when a decision is made to affiliate with new physician, attorney, investment advisor, etc. The details may remain confidential, but undue influence thrives in secrecy so keeping others informed is good protection for the senior person and caregiver
- Permit more than one family member to serve as durable power of attorney or trustee so that others are empowered to take action or may raise concerns that may lead to protective action
- Do not agree to joint accounts with anyone other than a spouse and not with a spouse if he or she has been determined incapacitated or disabled (unable to manage affairs)
- Demand that bank statements and statements from investment companies be sent directly to the account owner and another trusted friend or family member to watch for discrepancies
- Make known to family members the

pressure to change estate planning documents, investment advisor, attorney, etc. Inform the new physician, investment advisor, or attorney of your disagreement with the decision to change professionals; do not consent to helper sitting in on private or privileged communications

- Tell a trusted clergy person, friend, or neighbor about concerns and request that he or she contact one of many agencies in the community that may intervene on your behalf

Document Update

- Durable Power of Attorney for Health Care out of date. Has your health changed? Do you evaluate life-sustaining measures differently today? Have you considered how dementia might change the use or withdrawal of life-sustaining measures? Does your physician have a copy of your Durable Power of Attorney? Have you changed physicians? Have you moved into a senior care center?

Be sure to keep your Durable Power of Attorney for Health Care current and provide a copy to your current physician and the staff of the care center where you reside. Caregivers need to know your wishes as well as the names and contact information of your patient advocates. And to our travelers - a quick reminder to take along a copy of the DPOA and signed patient advocate acceptance forms in your purse or suitcase in case of a medical emergency.

- Acceptance of Designation as Fiduciary Agent. Responding to the rise of cases of financial misconduct against elderly persons, the Michigan legislature enacted a law in 2012 requiring newly appointed fiduciary agents under a Durable Power of Attorney to sign and notarize an Acceptance of Designation as Fiduciary Agent. The statutory form outlines the duties of the fiduciary and warns against violations of those duties. Individuals who became agents prior to October 2012 are not required to sign the Acceptance. For your protection and your agent’s protection, have your agent sign the acceptance form.