

SINCE YOU CARE

A Series of Guides from **MetLife** in Cooperation with the National Alliance for Caregiving

Legal Matters

About the Subject

Many of us take for granted that we will be able to take care of our personal and financial affairs “tomorrow.” If, however, you are a family caregiver, particularly for an older adult, you know that you cannot always count on tomorrow. There are the daily matters of providing appropriate health care, living arrangements, and financial decisions. There are emotional issues of love, anger, frustration, and guilt. And there are sometimes the seemingly endless arrays of legal issues that work their way into so many areas of life.

Health and finances are two areas that may require you, as a caregiver, to have the input and the legal authority to make decisions on behalf of another person. The issue may be as simple as signing a check for a loved one or as complex as deciding if he or she would want a feeding tube after becoming bed-ridden and non-responsive. If you have not been designated as a legal

authority to act on an individual’s behalf in advance, you will not have rights as a decision maker no matter what your relationship to the individual may be.

It is important for caregivers to know the state of their family members’ legal affairs. As the adult child of aging but competent parents, it is a good idea to initiate some discussion about what legal arrangements may or may not already be in place. Such topics for discussion might be wills, durable powers of attorney, asset disbursement, or living wills. Are general and medical powers of attorney in place? Are there any trusts? Do they have an attorney? Sometimes parents or other older individuals are reluctant to speak with their children or caregivers about these topics. Therefore, you may want to suggest they speak with a neutral third party such as an attorney, a qualified financial advisor, a social worker, or perhaps a good friend to address these issues *before* a crisis occurs.



MetLife

Caregivers face many challenges as they search for information and make decisions about how best to provide care to their loved ones. To help meet their needs,

MetLife offers SinceYouCare® — a series of guides which provide practical suggestions and useful tools on a variety of specific care-related products.

If you are a family caregiver, the sections that follow review a number of documents that can be executed by your loved one if he or she is mentally competent and able to make decisions related to financial and health care matters. While this brochure is part of a series for caregivers, the information in this document is important to care recipients as well. It informs care recipients about documents that would allow others to act on their behalf, if in the future they become incapacitated and unable to speak for themselves. It is not the goal of this guide to cover all of these subjects in their entirety, but to highlight some of the possibilities and provide information and resources for both caregivers and care recipients interested in pursuing these topics in more detail.

Things You Need to Know

The number of older adults in the U.S. continues to increase. In the year 2000, there were an estimated 35 million people who were age 65 and over, with that number expected to more than double rising to 80 million Americans by the year 2040.¹ The increase in the older adult population in the U.S. has given rise to the specialty of elder law attorneys that focus on the many legal issues specific to older adults. In addition to the

many legal complexities, elder law attorneys have experience with older adults and an appreciation for many of the physical and mental challenges associated with the aging process. These lawyers can assist older persons and their families with such issues as Social Security, Medicaid, Medicare, estate planning, and preservation of assets. An elder law attorney may not practice in all fields, so it is important to make the appropriate choice in order to receive the best possible guidance.

Not every issue in the life of an older adult requires an attorney's assistance. For those that do, an elder law attorney may be able to bring insight and offer helpful suggestions. An elder law attorney should be concerned with the life planning as well as the legal planning for an older individual. Assistance in finding an elder law attorney can be found under *Resources to Get You Started* at the back of this guide.

Other sources to consider when locating an elder law attorney might be:

- Statewide legal hotlines offered in many states for those age 60 and over. (You can determine if this is available in your family member's state and obtain the contact information by visiting the Administration on Aging's website at: www.aoa.gov/eldfam/

[Elder Rights/Legal Assistance/Legal Hotline.asp](#) or by calling the Eldercare Locator at 800-677-1116.)

- Your loved one's state Bar Association.
- Patient representatives at his or her local hospital.
- The local Social Security or Medicare office.
- Local chapters of disease specific organizations such as Parkinson's or Alzheimer's.

Where There's a Will...

One important legal consideration is the creation of a will. A will is a legal document detailing how an individual wants his or her assets distributed upon death. If an individual dies without a will, called "dying intestate," the state will determine the distribution of assets. Individuals must be competent when their wills are drawn up and may make changes to them as long as they remain competent.

The individual creating the will may want to consider items such as these:

- Is there a need for trusts for a spouse or other dependents?
- How will the assets be divided?
- Are charitable gifts a consideration?
- Who will be named executor of the estate?
- What are the tax considerations?
- Who will be guardian of any minor children?

Work with your loved ones to inventory their assets, review outstanding debts, detail beneficiaries, and identify any special desires they may have for particular items or monies.

Each state has its own laws on wills that vary in complexity. Some basic components of a will might be:

- Names and listing of beneficiaries — people, charities, foundations, etc.
- Gifts to specific beneficiaries.
- Creation of trusts.
- Name of the executor of the estate, as well as a successor in the event the first is unable to perform.
- Name of guardian for minor children or dependent adults.

Executor

The executor or personal representative is the individual who oversees the disbursement of assets according to the will. Usually it is a family member, but it can be an outside party. Executors outside of the family are usually paid a fee for this service. Settling an estate can take many months and a great deal of personal time. It is important to make sure that the person chosen as executor understands the time involved.

The executor's responsibilities include such things as paying off outstanding debts and creditors

from the assets of the deceased, filing taxes, filing the will in probate court, and notifying Social Security, insurance companies, and other agencies of the death.

Forms

Generally a will is drawn up with an attorney, but there are forms available in office supply stores and on various Internet sites. Again, it is important to make certain that the document you draft complies with your state's laws. You should consult with a qualified attorney for your particular situation.

Location of a Will

Once a will has been created and signed in accordance with state law, make sure that the original is kept in a safe place and that the executor knows where it is. A fire-proof file cabinet, home safe or box, or with the person's attorney are all good possibilities. Your loved one may also wish to keep a ledger of some sort with the will detailing the location of such documents as birth and marriage certificates, Social Security cards, insurance policies, deeds, and titles.

Managing Financial Affairs

At some point, you may have to make financial decisions for your loved ones. To do so, there are a number of legal tools that can be utilized by older adults to allow another person to act on their

behalf. Some of these tools are described below. You will want to consult with an attorney regarding what may be appropriate in your particular situation.

Establishing a Power of Attorney

A Power of Attorney is a way for one person to allow another to act on his or her behalf to manage legal and/or business affairs. The person wishing to create the Power of Attorney, called the "principal" or "grantor," must be mentally competent at the time the document is signed. The person being authorized to act for the principal is called the "agent" or "attorney-in-fact."

Conventional Power of Attorney

A conventional Power of Attorney for finances can be either general or limited. With a general Power of Attorney, the agent or attorney-in-fact has very broad powers that give him or her a wide scope in the management of the principal's affairs, such as paying bills and dealing with everyday household management decisions. A limited Power of Attorney empowers the attorney-in-fact to make only those decisions as outlined in the agreement, such as being able to pay bills, but not handle investments or manage accounts. In either case, the Power of Attorney ends when the principal becomes mentally incapacitated or dies.²

Because most family caregivers don't have a need for a Power of Attorney until their loved one becomes mentally incompetent, which is when a conventional Power of Attorney becomes ineffective, it is often recommended that a person create a durable Power of Attorney.

Durable Power of Attorney

A durable Power of Attorney for finances, through very specific language in the document, ensures that the attorney-in-fact may continue in the role even when the principal has become mentally incapacitated.³ Like a conventional Power of Attorney, a durable Power of Attorney will end when the principal dies.

Healthcare Power of Attorney

A Power of Attorney for finances and various trusts can assist in managing a loved one's assets, but do not allow for medical decisions. To have the power to make medical decisions for your family member, you should consider creating a durable Power of Attorney for health (or medical) care, sometimes also called a "health care proxy."

Who Should Your Loved One Choose?

Choosing an attorney-in-fact or agent means choosing an indi-

vidual someone trusts completely. There should be an open pattern of communication to make sure the attorney-in-fact or agent understands the principal's desires and his or her responsibilities as attorney-in-fact. He or she must always consider what is best for the principal when making decisions and must be willing and able to spend the time that managing another's affairs often entails.

The best choice is usually a spouse, adult child, or other family member. However, because of age, incapacity, distance, or estrangement, family may not always be the best choice. A trusted friend or perhaps an attorney may sometimes be a valid option. It is also wise to consider an alternate agent in the event that one's first choice is unable to serve.

Forms

There are a variety of standardized forms that may be used to establish a Power of Attorney. Stationery or office stores often supply them. They can also be downloaded from some sites on the Internet. But because considerable assets may be involved, and because laws vary from state to state, you should first consult with a qualified attorney.

The Use Of Trusts

Reasons for creating trusts may vary. A trust can be very simple, with a limited scope and duration, or quite elaborate. The person establishing the trust must be mentally competent at the time of its creation.

Very simply put, a trust is a legal device used to manage property. It is established by one person (the donor, grantor, or settler) for the benefit of another (the beneficiary).⁴ A third person manages the trust and is known as the trustee.⁵

Choosing a Trustee

Choosing a trustee involves the same considerations as choosing an agent or attorney-in-fact. Trustees should be honest and fair and able to communicate with the grantor and beneficiaries if necessary. They should be able to discern the needs of the beneficiaries. They need to have the time and capability to serve. They should be free of any conflict of interest as the trustee. Again, family members are often chosen, but friends, attorneys, accountants and in some instances, banks or corporate trust companies may serve as a trustee.

Testamentary Trust

One form of trust is called a Testamentary Trust. This form of trust is set up in your loved one's will and comes into existence upon his or her death. A grantor is the individual who creates the trust by writing a will. The trustee (the person appointed by the grantor) administers the trust. In most cases, the assets funding these trusts will still usually go through the probate process.⁶

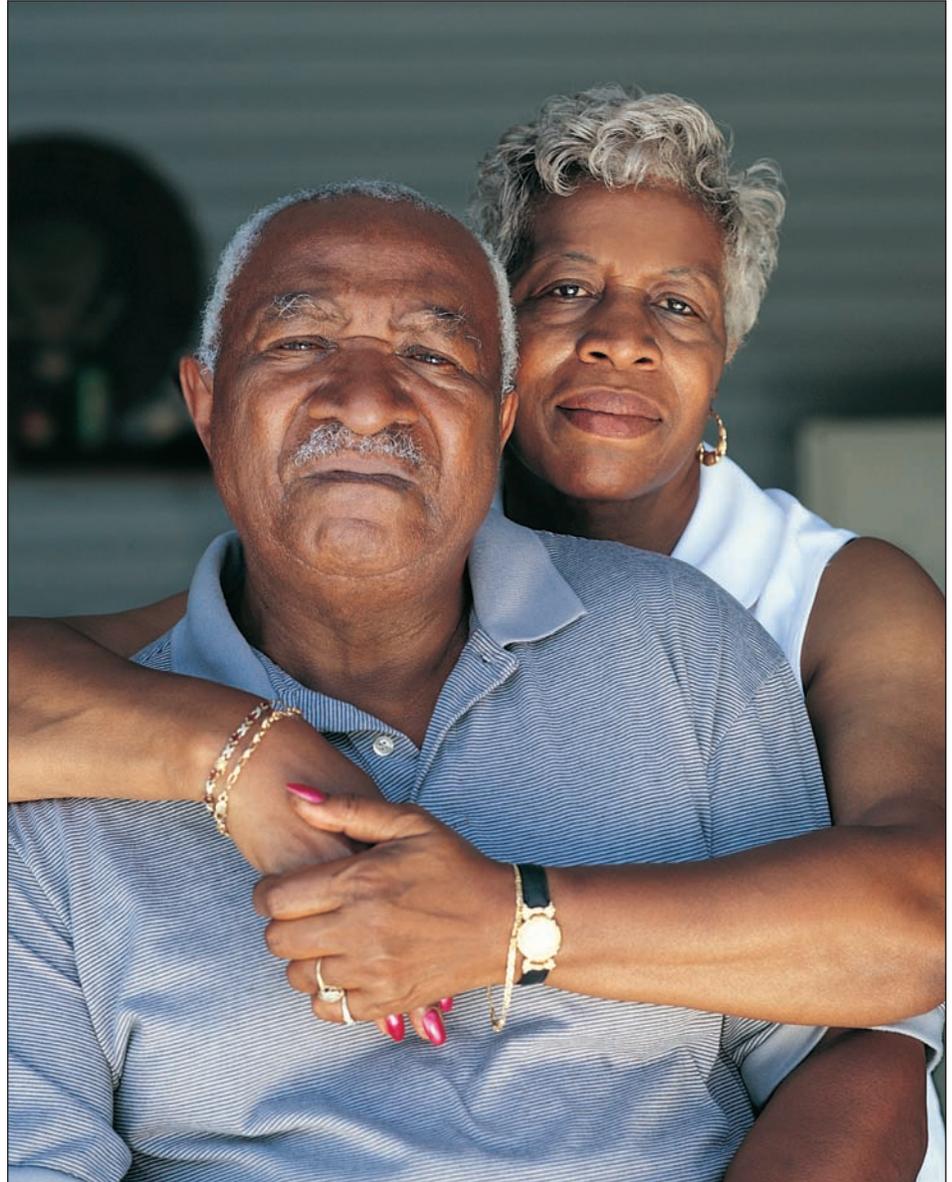
Living Trust

Another form of trust is called a Living Trust. As its name implies, it is a trust that is put into effect while the grantor is still alive.

A living trust is often used as a way to avoid having assets in an estate go through probate at the time of an individual's death. There are, however, many conditions that must be met in order to avoid probate. For example, assets must still be administered through probate court unless, prior to his or her death, the grantor transferred *all* assets to the trust.⁷

Revocable Trusts

Trusts can be revocable or irrevocable. A revocable trust is one that can legally be changed or ended by the grantor as long as he or she remains legally competent. A revocable trust can avoid probate and



gives the grantor greater flexibility, but by itself may not provide any tax advantages.⁸ Most living trusts are revocable.

Irrevocable Trust

An irrevocable trust cannot be changed or terminated. Placing property or assets in an irrevocable trust is like giving a gift. The grantor is relinquishing owner-

ship.⁹ An irrevocable trust also helps to avoid probate and may have tax advantages.

Other Types of Trusts

There are a variety of other trusts, such as discretionary trusts, insurance trusts, support trusts, and spendthrift trusts, that are all created for different purposes. Just as many different kinds of trusts

exist, so too, do the variety of different assets, such as real estate, bank accounts, business interests, stocks, and investment properties, that a trust can hold. A trust can provide for family members or beneficiaries without allowing them direct control of the assets. It may, for instance, be established to provide benefits for a disabled child or adult. If created by an attorney experienced in the use of trusts, it can be an effective estate planning device. Trusts are not for everyone, however. Consult with an attorney to determine if they are appropriate for your situation.

Of particular note are questionable business practices and advertising aimed at older adults regarding living trusts. Information on products that may not be appropriate for everyone can be distributed through the mail, by door-to-door salesmen, or at large informational seminars. The products may be overpriced and not in accordance with state law. The Federal Trade Commission (FTC) offers a downloadable brochure called *Living Trust Offers: How to Make Sure They're Trust-worthy* which provides information to help consumers avoid living trust scams. It can be accessed at: <http://www.ftc.gov/bcp/edu/pubs/consumer/products/pro08.pdf>.

Managing Health Care Matters

As a caregiver, friend, or child of an aging loved one, it is important that you know what his or her health care wishes might be should he or she become incapacitated — mentally or physically. To best carry out your loved one's wishes, you may encourage written documentation in the form of an Advance Directive.

Advance Directives

There are two types of Advance Directives — a living will and a health care Power of Attorney. Advance Directives are designed to convey an individual's wishes about future medical care to family and physicians should there come a time that he or she is no longer able to communicate those wishes. Both directives need to be created while a person is mentally competent. People often put this task off until it is too late. As a rule of thumb people should not wait to complete these important documents.

Living Will

A living will is a legal document that allows a person to document his or her wishes about future medical treatment, should he or she not be able to do so at a later time when care decisions need to be made. Living wills, sometimes called health care declarations or health

care directives, spell out both the types of treatment and life sustaining measures someone would want as well as those he or she would not want. Types of treatment that might be included in a living will are resuscitation if one's heart stops or use of a mechanical ventilator for breathing.¹⁰

The creation of a living will requires considerable thought. Care should be taken to make sure that options are reviewed carefully and decisions clearly conveyed to family and caregivers. Some areas for your family member to consider might be those listed below.

- What are some of the usual procedures and care for those who are seriously ill, such as antibiotics, intravenous hydration, pain medication, artificial nutrition (feeding tube), CPR, or diagnostic testing (labs, x-rays)? Are there any treatments or procedures that he or she would specifically refuse?
- What are his or her beliefs about the use of external life support machines and medications for a specific period of time or for the duration of his or her life?
- What are your loved one's values and beliefs about quality of life and how do they pertain to his or her wishes regarding medical treatment?

- What are his or her feelings on personal dignity during a terminal or irreversible state of health?
- Are there any diseases for which your loved one would want treatments for only a short period of time?

Your family member should try to be specific in his or her instructions, as generalities can make it difficult for others to interpret one's desires. Being specific eliminates some of the guilt and confusion that you or another person acting on your loved one's behalf may experience should health care decisions need to be made at a later date, when your loved one is unable to communicate his or her wishes. Think of a living will as a blueprint for someone else to follow.

Most states have laws regarding living wills and regulate them accordingly. However, the laws vary from state to state. There is also an important Federal Law related to advance directives called the Patient Self Determination Act (PSDA) which was passed by Congress in 1990. The Patient Self-Determination Act was established to ensure patients are informed of their rights in making decisions about their health care when admitted for services to a health care facility or organization. It requires that all Medicare and Medicaid participating provider organizations

make certain that patients know they can accept or refuse treatments and have the right to execute an advance directive.¹¹

Under the PSDA, most health care institutions (but not individual physicians) must provide individuals with a written summary of their rights related to making health care decisions. Each of the states has prepared a summary that health care facilities and organizations can use.¹² If a health care provider will not honor the wishes an individual has set forth in an advance directive, most states require that the provider make every effort to transfer the person to one that will.¹³

Durable Power of Attorney for Health (Medical) Care

A durable Power of Attorney for health care is another type of Advance Directive and may also be called a "health care proxy" or "appointment of a health care agent." It is usually used in addition to a living will. A durable Power of Attorney for health care allows people to appoint an individual, called an agent, attorney-in-fact, or proxy, to make medical decisions for them if they are incapacitated and unable to do so. This person has no control over the principal's finances (unless, of course, the agent is also a Power of Attorney for finances).

Living wills specify an individual's wishes regarding care and treatment and are used only in certain situations. The health care agent, on the other hand, may act at any time that the individual is unable to make medical decisions. This may include decisions regarding routine care, as well as care in specific situations such as those that may be outlined in a living will.

Agents may make decisions as they apply to the principal's medical condition, such as medical consents, facilities for care, hiring and firing caregivers and health care providers, and access to medical records. They may not, however, make decisions that contradict a principal's desires as outlined in a living will.

Who Should Your Loved One Choose?

The choice of a health care agent is an important one. He or she should be a person in whom your family member has great trust. An agent will have the power to consent to treatment as well as withhold and withdraw it. The person must be strong enough to act as an advocate on your loved one's behalf and feel able to shoulder such a responsibility. Your family member should also consider having an alternate agent in the event his or her first choice is unable to serve.

Who Gets a Copy?

Once there is a signed living will and/or Power of Attorney, make sure that copies are given to your loved one's physician, and agent, as well as his or her alternate, significant family members, and/or friends. A living will and Power of Attorney can be revised or cancelled at any time as long as an individual is compe-

tent. Individuals should consider reviewing their advance directives on a regular basis so as to stay current with changes in their health status and with medical advances that may influence decisions for future care.

What Forms are Required?

You may speak with an attorney about the forms required for both

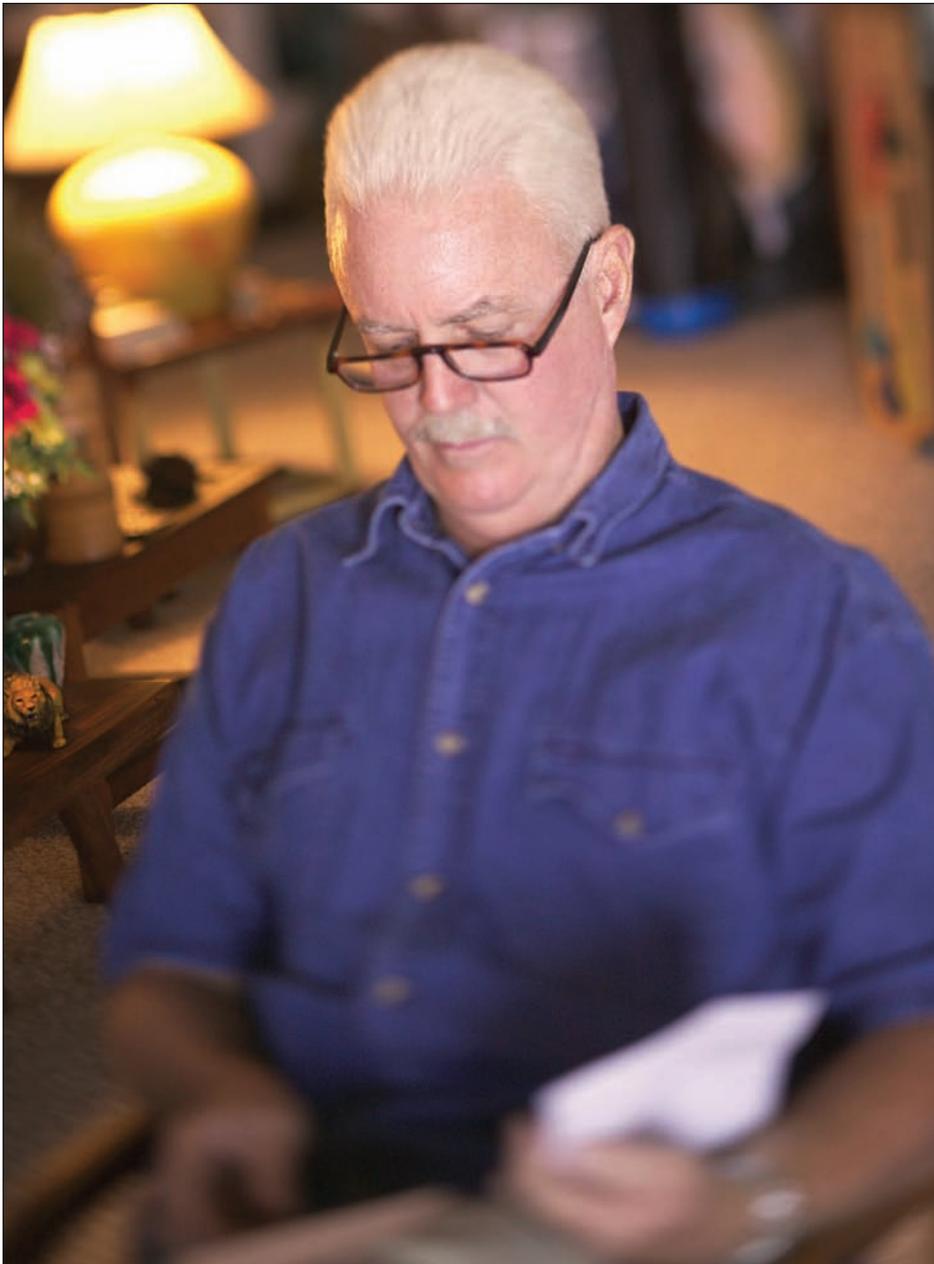
the living will and the Durable Power of Attorney for health care. There are various forms available at stationery stores as well as on the Internet. Some states have a combined version of the two documents called a "Health Care Advance Directive." If you are not using an attorney, you need to make certain that the particular form you use meets your loved one's state's regulations. The *Caring Connection* offers state-by-state information via the Internet or by telephone. For contact information, see *Resources to Get You Started* at the end of this guide.

Guardianship

A guardian, also called "conservator" in some states, is a person appointed by the court to decide the financial and/or personal matters for individuals who are unable to manage their own affairs.¹⁴

This type of arrangement is usually one of last resort, as it is a significant removal of a person's right to autonomy and decision making.

The guardian, generally a family member or an attorney, is appointed by the court. The guardian is required to manage the assets in the individual's best interests. Guardians are required to report to the court for periodic accountings.



Helpful Hints

- Learn what is important to your loved ones in making financial and health care decisions. Help them to implement the plan that will ensure their wishes are carried out.
- Discuss the options of planning ahead for finances and health care so that your loved ones can have their wishes honored.
- Encourage the use of a qualified attorney or financial planner if your family member is reluctant to discuss personal matters with you.
- When formal documents have been created, make sure their location is readily available and plan to review them at least every two years.
- Estate planning and terminology can vary from state to state. Enlisting the help of a qualified elder law attorney may be beneficial.

Dealing with another person's issues of personal and financial capacities is never easy. Sometimes it makes the reality of mortality too tangible. Yet, however difficult some of these issues may be to

discuss, it can allow families and individuals to plan effectively for the future. Most importantly, it can allow individuals to legally have their say about their desires if the time comes when they might not otherwise be able to communicate their wishes.

Resources to Get You Started

Books and Publications

The American Bar Association Legal Guide for Americans Over 50

This guide covers many legal questions and issues facing older Americans. Topics include wills, trusts, Medicare and Medicaid, and legal issues related to caring for aging family members. It also includes information on changes in healthcare and Social Security laws. American Bar Association (2006), Random House Reference, \$16.95 ISBN: 0375721398

The Complete Retirement Survival Guide: Everything You Need to Know to Safeguard Your Money, Your Health, and Your Independence.

This book, written by two attorneys, offers a practical and general guide to elder law. The authors

present simple but accurate explanations of issues facing older adults such as finances, health matters, and legal issues. Wills, trusts, powers-of-attorney, long-term-care issues, and even Medicare and Medicaid are addressed. Strauss, P., Lederman, N., (2003). Checkmark Books, \$18.95 ISBN: 0816048045

The American Bar Association Guide to Wills and Estates: Everything You Need to Know about Wills, Trusts, Estates and Taxes.

A comprehensive book detailing wills, health care directives, estate planning, trusts, and more, including planning for disability. American Bar Association, (2004). Random House Reference, \$16.95 ISBN: 0609809342

The Complete Idiot's Guide[®] to Wills and Estates (3rd Edition)

As with most of the "Idiot's Guide" books, the processes of wills, and information about Power of Attorney are laid out simply and in step-by-step fashion. It provides a thorough, easy-to-read glossary and is a good reference book.

Maple, S.M., Eliopoulos, C. (2005). Alpha Books, \$18.95 ISBN: 1592573630

Internet Sites

National Academy of Elder Law Attorneys (NAELA)

This is the website for attorneys that deal with the many issues facing older adults and the disabled. NAELA attorneys can assist their clients with estate planning, long-term care issues, wills, and trusts. Within the site is a search field to find an elder law attorney in your area. There is also a very helpful question-and-answer section that will assist in the search for an elder law attorney. Access the main site at www.naela.org and the specific question and answer site at www.naela.org/About_QandA.aspx.

American Bar Association Commission on Law and Aging

The Commission on Law and Aging of the American Bar Association seeks to strengthen and secure the legal rights and quality of life of older Americans. Their website, which can be accessed at www.abanet.org/aging, includes valuable information for consumers. A *Consumer's Toolkit for Health Care Advance Planning* can be downloaded and printed from the site. It provides 10 tools to help with the process of Advance Planning covering topics such as selecting a health care agent or proxy and what to do after signing a health care advance directive. The site also provides the

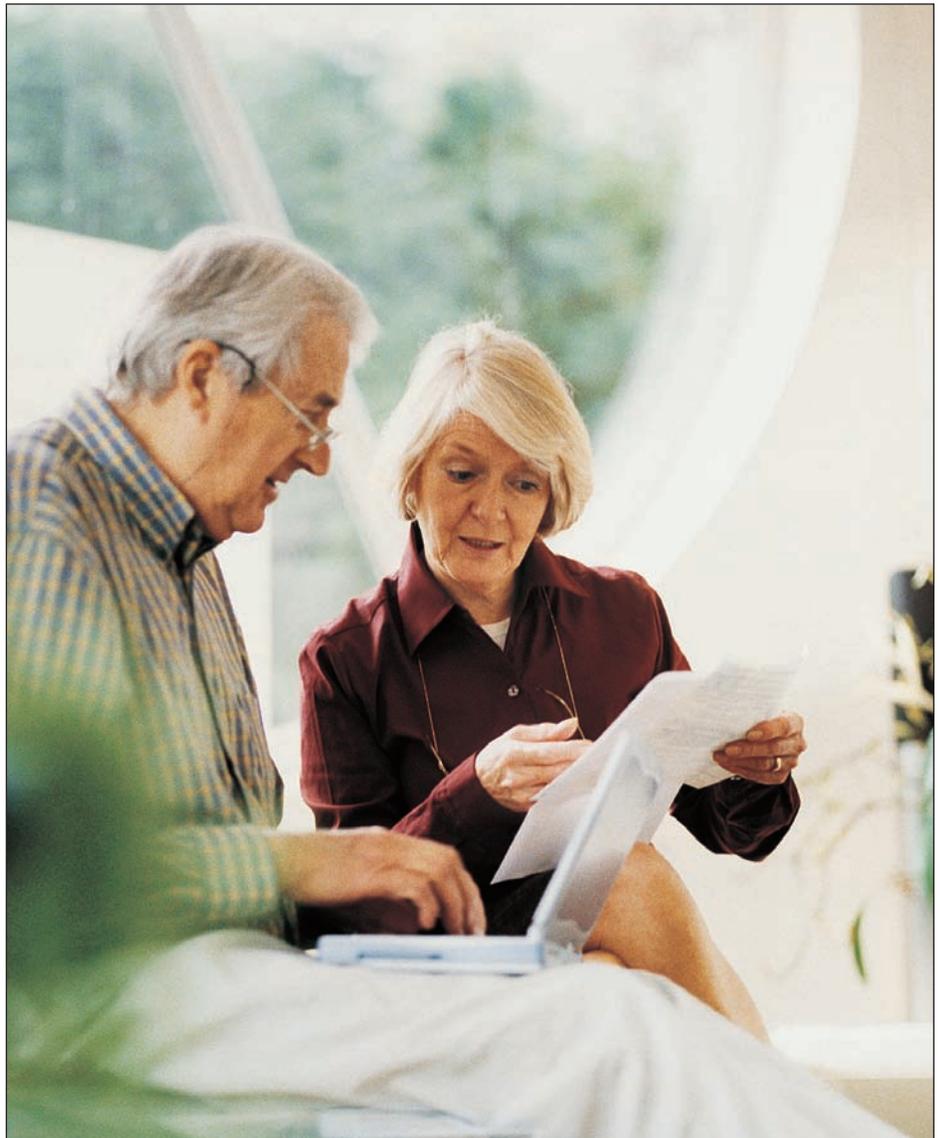
ability to search for legal and other aging resources on a state by state basis at: www.abanet.org/aging/resources/statemap.shtml.

Nolo.com

This website at www.nolo.com has information and articles related to a variety of legal issues including, wills, trusts, estate planning, health care Advance Directives, and elder care. It also includes links to other organizations and resources.

Caring Connections

Caring Connections at www.caringinfo.org is a program of the National Hospice and Palliative Care Organization whose focus is to improve end-of-life care. Funded by a grant from the Robert Wood Johnson Foundation, the program provides information and resources related to a number of topics including information related to Advance Directives and the ability to do a state by state search



Legal Services Checklist - The legal considerations below are ones that your loved should review or that you should review with him or her to assure that his or her legal affairs are in order, and that his or her wishes related to financial and health care matters will be honored at such a time when he or she may not be able to make them known.

Are your affairs in order? For instance, have you discussed the distribution of your assets with your family? Have you discussed estate planning with a qualified attorney? Having legal documents in place can relieve much of the burden on family members during a time of crisis when decisions need to be made and can best assure that your wishes will be honored.

Financial

Make an inventory of possible assets such as:

- Bank accounts, pass books, CDs, and money market accounts
- Stocks, bonds, and other investments
- Valuable jewelry, or other collectibles
- Real estate deeds or contracts
- Life insurance policy, annuities, or pension benefits

Will

- Do you have a will? Yes No
- If yes, where is the signed original? _____
- Have you appointed an executor and a successor executor? Yes No
- Is this a current will, updated within the last two to five years? Yes No
- Does your family know where the original of your will can be found? Yes No
- Do your family and the executor have copies? Yes No

Power of Attorney (POA) for Finances

- Do you have a Power of Attorney for finances? Yes No

If yes, is it:

- Durable? _____ Yes No
- General? _____ Yes No
- Limited? _____ Yes No

- Where is the signed original document? _____
- Who has copies of this document? _____
- Is your agent someone who:
 - Has agreed to act on your behalf?
 - You trust completely?
 - Will make honest, objective, appropriate financial decisions on your behalf?
 - Has the time and can shoulder the responsibility of being an agent?
 - Do you have an alternate named in case your first choice is unable to serve?

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Living Will

- Do you have specific wishes about interventions you do or do not want concerning your end-of-life treatment? Yes No
- Are family and caregivers aware of your desires? Yes No
- Have you created a living will detailing specific end-of-life wishes? Yes No
- If you have created a living will, do family and personal physicians have copies? Yes No

Durable Power of Attorney for Health Care

- Do you have a Durable Power of Attorney for Health Care? Yes No

If yes,

- Have you kept a signed original? Where is it kept? _____
- Have you given copies to your agent, alternate agent, doctors, and any appropriate family?
 Yes No
- Is there a copy in your medical record? Yes No
- Is your agent:
 - Someone who you trust?
 - Someone who understands and accepts the responsibility of honoring your wishes?
 - Someone who is willing to act on your behalf and be an advocate for you if medical providers are reluctant to follow your documented wishes?

Remember, the health care agent designated by a *Durable Medical Power of Attorney for Health Care* can act to ensure that the terms of a *living will* are honored by health care professionals.

to obtain information about state-specific requirements for Advance Directives and copies of state-compliant Advance Directive forms which can be downloaded and printed. There is also a specific section called *Important Information on Preparing Advance Directives*.

If you have any questions about the forms or requirements you may call their Help Line at 800-658-8898 or email them at: caringinfo@nhpco.org.

National Association of Area Agencies on Aging (n4a)

The n4a at www.n4a.org is the umbrella organization for the 655 Area Agencies on Aging throughout the United States, which provide information and services, and coordinate and administer programs for older adults. The federally funded *Eldercare Locator*, established by the U.S. Administration on Aging in 1991, and administered by n4a, provides callers with information about local services by zip code. Call 800-677-1116, 9:00 a.m. – 8:00 p.m. ET, or access it at www.eldercare.gov.

Useful Tool

Enclosed is a legal services checklist to help your loved one assess his or her situation and plan for the future.

- Legal Services Checklist

Endnotes

- ¹ *Older Americans Update 2006: Key Indicators*, Federal Interagency Forum on Aging Related Statistics, May 2006, via the Internet at: www.agingstats.gov/Agingstatsdotnet/Main_Site/Default.aspx, accessed 11/07.
- ² AARP “Financial Powers of Attorney,” via the Internet at www.aarp.org/families/end_life/a2003-12-02-endoflife-financialpower.html, accessed 11/07.
- ³ Ibid.
- ⁴ *Trusts*, The Washington State Bar Association, via the Internet at: www.wsba.org/media/publications/pamphlets/trusts.htm, accessed 11/07.
- ⁵ Ibid.
- ⁶ Ibid.

- ⁷ *What is a Trust*, Tennessee Bar Association, via the Internet at: http://www.tba.org/LawBytes/T15_2402.html, accessed 11/07.
- ⁸ *Legal Q&A: Answering Your Questions About Revocable Living Trusts*, State Bar of Wisconsin, via the Internet at: www.legalexplorer.com/legal/legalQA.asp?PositionPoint=29&Sid=32#sub, accessed 11/07.
- ⁹ *What is a Trust*, Tennessee Bar Association, via the Internet at: http://www.tba.org/LawBytes/T15_2402.html, accessed 11/07.
- ¹⁰ *Living Wills and Advance Directives: Tools for Medical Wishes*, Mayo Clinic, via the Internet at: www.mayoclinic.com/print/living-wills/HA00014/METHOD=print, accessed 11/07.
- ¹¹ *The Patient Self-Determination Act (PSDA)*, Ascension Health, via the Internet at: www.ascensionhealth.org/ethics/public/issues/patient_self.asp, accessed 11/07.
- ¹² *Health Care Advance Directives: What is the Patient Self-Determination Act?*, American Bar Association, via the Internet at: www.abanet.org/publiced/practical/patient_self_determination_act.html, accessed 11/07.
- ¹³ *Health Care Advance Directives: Will Doctors and Hospitals Recognize my Advance Directive?* American Bar Association, via the Internet at: www.abanet.org/publiced/practical/directive_recognition.html, accessed 11/07.
- ¹⁴ *A/PACT: Alternatives to Guardianship*, AARP, Washington, D.C., via the Internet at www.ftc.gov/bcp/conline/pubs/services/apact/apact06.htm, accessed 11/07.

About the Authors of Since You Care

Since You Care guides are prepared by the MetLife Mature Market Institute in cooperation with the National Alliance for Caregiving and MetLife's Care Coordinators.

MetLife Mature Market Institute[®]
Staffed by gerontologists, the MetLife Mature Market Institute, part of the company's Retirement Strategies Group, has been providing research, knowledge management, education, and policy support for over ten years to Metropolitan Life Insurance Company, its corporate customers, and business partners. MetLife, a subsidiary of MetLife, Inc. (NYSE: MET), is a leading provider of insurance and other financial services to individual and institutional customers. For more information about the MetLife Mature Market Institute, please visit the Mature Market Institute's website at www.MatureMarketInstitute.com.

MetLife Care Coordinators are available to MetLife's long-term care customers and their caregivers to help identify and resolve caregiving questions and concerns through counseling and referral.

National Alliance for Caregiving

Established in 1996, the National Alliance for Caregiving is a nonprofit coalition of national organizations that focuses on issues of family caregiving across the life span. The Alliance was created to conduct research, do policy analysis, develop national programs and increase public awareness of family caregiving issues.

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This booklet offers general advice, however, it is not a substitute for consultation with an appropriate professional. Please see a health care professional, attorney, or other appropriate professional when determining how the information and recommendations discussed in this booklet apply to your specific situation.



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