



Legal Checklist for Caregivers

Tips on how to protect your loved ones and yourself

by Judi Hasson, [AARP](#), December 7, 2012

[En español](#) | If you're a [caregiver](#), part of your job may be to keep track of your loved one's legal affairs. And you probably know — or are learning — that it's a big responsibility.

See also: [Caregiving Resource Center](#).

"The ultimate goal is to make sure you have all the decision-making rights you need to manage your loved one's affairs," advises Charles Sabatino, director of the American Bar Association's Commission on Law and Aging.

Sabatino has six tips on how to protect your relative's legal rights — and your own.

Have the right documents

In addition to a will, make sure your loved one has a [health care power of attorney](#) (POA) as well as a [power of attorney for financial decisions](#). These legal documents will allow an appointed person to make decisions for a frail or incapacitated relative.

Your loved one needs to create these documents when he or she is still capable of making decisions. It's not necessary to hire an attorney to draft a health care POA (though depending on your state, you may need two witnesses.) But it's best to use a lawyer to draw up a financial power of attorney because money issues can be complicated.

The health care POA should spell out your loved one's wishes, such as when life-sustaining treatment should be stopped (also known as a living will). You can find [free advance directives forms and instructions](#) on what to do in your state on the AARP Caregiving Resource Center.

See also the [American Bar Association's site \(pdf\)](#), which has a tool kit for health care planning.

Make a family plan

Discuss caregiving matters with all involved members of your family. Have your loved one put in writing who will be responsible for which caregiving roles — and have all parties sign. This is not a legal document, but it will help keep peace within the family by making everyone's role clear. Sabatino says the biggest precursor of legal



Protect yourself and loved ones through legal planning. — Daniel Bosler/Getty Images

Legal Guidance

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problems is bad communication.

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Organize important papers

Most people don't realize how many [legal documents](#) they already have, or how many they will need for matters that arise. Important ones include birth and marriage certificates, divorce decrees, citizenship papers, death certificate of a spouse or parent, power of attorney, deeds to property and cemetery plots, veteran's discharge papers, insurance policies and pension benefits. Organize these documents into files that are easy to navigate.

Explore potential financial help

Investigate public benefits such as Social Security and Supplemental Security Income (SSI) disability programs, [veterans benefits](#), Supplemental Nutrition Assistance Program (formerly known as food stamps), Medicare and Medicaid. AARP Foundation offers an online tool, [Benefits QuickLINK](#), to help determine if your loved one qualifies for 15 different government programs. The National Council on Aging offers a similar online tool called [Benefits Checkup](#).

Also, examine your loved one's private disability or life insurance coverage, their pension benefits, long-term care insurance and employee health insurance policy to see whether any of them cover home health visits, skilled nursing, physical therapy or any kind of short-term assistance that could include a mental health therapist or physical therapy.

If you take a leave of absence from your job to care for a loved one, you are entitled to three months unpaid leave under the [Family and Medical Leave Act](#) from your employer and are guaranteed your job when you return.

Think beyond your loved one

If your parent is unable to take care of people who depended on him or her, you may need to take care of that role. This includes assuming responsibility for [adult children with special needs](#). Make sure that child gets every available benefit, such as Social Security disability, local and state disability, special education programs and free transportation for the disabled. You may also need to assume oversight of benefits of the surviving spouse, too, by making sure the spouse is the beneficiary of your loved one's IRA, bank account, life insurance policy and pension benefits. Your loved one may also have a plan for pets in the will and money set aside to pay for their care.

Look for tax breaks and life insurance deals

Keep all medical expense receipts for [tax deductions](#). Your family member may claim federal deductions for many medical expenses including a hospital bed or wheelchair, out-of-pocket expenses not covered by health insurance (drug costs and copayments), [remodeling the home](#) to make it handicapped accessible and a [respite caregiver](#) to give the main caregiver a break.

Also, find out whether your family member has a life insurance policy that makes accelerated death payments to help pay for long-term care.

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