

THE SYSTEMS · FREE COMPANION TOOL

The 3 documents every caregiving family needs

There's a window in dementia when your parent can still legally speak for themselves — and it doesn't stay open. These three documents decide who steps in for their money, their medical care, and their wishes when they no longer can. This isn't legal advice; it's the map, so you walk into the attorney's office knowing what to ask for and why the timing matters.

1

Durable Power of Attorney

FOR THEIR FINANCES

Names someone to manage money — bills, banking, benefits, property — if they can't. "Durable" means it survives their losing capacity, which is the entire point in dementia. Without it, families often end up in court seeking conservatorship: slow, costly, and public.

Ask your elder-law attorney: Is this durable and effective in California? What powers does it include, and what does it leave out? What can go wrong if we wait?

2

Advance Healthcare Directive

FOR THEIR MEDICAL WISHES

Names a healthcare decision-maker and records what they want when things get serious — treatment, comfort, end-of-life choices. It's the document that keeps you from guessing at a hospital bedside at 3 a.m., and keeps siblings from fighting over what they "would have wanted."

Ask your elder-law attorney: Should we also complete a POLST form with their doctor? Who is the backup decision-maker if the first can't serve?

Where Quality of Life Counts

Educational information from Senior Advocators Inc. It is not legal, medical, or financial advice, does not create an attorney-client or advisory relationship, and laws vary by state. Consult a licensed elder-law attorney about your family's situation.

3

Will or Living Trust

FOR WHAT THEY LEAVE BEHIND

Decides what happens to their home, savings, and belongings — and how much of it your family loses to delay and probate. In California especially, a living trust can spare their estate a long, expensive court process. Which tool fits depends on what they own and how it's titled.

Ask your elder-law attorney: Given their assets, do we need a trust or is a will enough? How does this interact with Medi-Cal if they need long-term care later?

Why the order and the timing matter

Signing any of these generally requires that your parent still has legal capacity. As dementia advances, that becomes a real question — and once it's gone, the affordable, private path closes and the court-supervised one opens instead. This is why "we'll get to it" is the most expensive plan there is.

One more, quietly important

Make sure someone can *find* these documents — and the passwords, account list, and insurance policies — when the moment comes. A perfect POA in a drawer nobody knows about helps no one.

Where this gets specific to your parent

How to get a parent with anosognosia to sign, what to do if the window has already narrowed, how these choices ripple into Medi-Cal eligibility — that's the real work. **A consultation with Ginell Butler, MAASM, MSA** helps you sequence it correctly and walk into the attorney's office ready. senioradvocators.org

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