

Dementia Emotionally Devastates Families

By Kristen M. Jackson, Attorney

How to cope with the legal issues of a loved one who loses mental capacity.

Restricting or removing the individual rights of a parent, grandparent or some other loved one due to dementia can cause devastating emotional pain for everyone involved in that person's life. Regardless of how emotional or frightening it may become, once dementia has overwhelmed someone you love to the degree that they can no longer manage their own affairs without help from others, it is time to consider taking steps to help them manage and care for their lives.

Dementia divides families through emotions. First, there is the person closest to a parent or grandparent who has observed and experienced firsthand, the mental or physical deterioration of their loved one, thus finding it necessary to become involved. Next, the parent or grandparent who is showing initial signs of dementia often suspects that anyone trying to help by suggesting they are incompetent or incapacitated is simply trying to interfere or meddle into their private affairs for individual gain. Then, there are the family members who do not live close by or visit only occasionally and therefore may overlook or not experience the signs of dementia displayed by the parent or grandparent. Those family members may become aggressively confrontational with other family members who suggest or attempt to take away the parent or grandparent's individual rights. While at times it may seem emotionally futile, once the initial signs of dementia are first noticed it is time for all involved to put aside their differences and emotions and focus all of their energies on aiding the person in need of help.

What are signs that someone may have dementia? It may be simply a quizzical look upon their face because they forgot what the conversation was about. Or, they may say "do I know you?" even though everyone in the room is someone they should recognize. Or, while visiting them you find them hovering over a cluttered table of unpaid bills, receipts, parts of a newspaper, crossword puzzles, a checkbook with correction errors all over it, checks laying everywhere, a pile of mail never opened and they say in frustration "it makes no sense and I don't think I can do this anymore." There are many signs and everyone's are different.

Remember, all of us have the legal right to make our own decisions, whether it is for medical treatment, where to live, or how to spend our own

money, as long as we are capable of doing so. This applies to people with dementia, too. However, as dementia progresses, it can become harder and harder for us to make our own decisions. Furthermore, if you have not taken steps to plan for parents' or grandparents' futures before they become incompetent as a result of the effects of Alzheimers, vascular dementia or otherwise, the intervention of attorneys and a court proceeding may become necessary before you are able put their and your lives back in order.

One of the things to be considered in attempting to assist someone afflicted with a form of dementia is to make sure he or she has certain affairs in order. Estate planning documents, including a will, a trust, durable power of attorney, health care directive and living will, need to be prepared before incapacity sets in. Without the proper documentation, you may find yourself petitioning the court for guardianship to take control of your parent or grandparent's medical and financial decisions. This can be a costly and emotionally upsetting process, both for your loved one and you and the rest of your family.

Although you may be scared, or you are emotionally at odds with other family members who fail to accept the initial signs of dementia, or you are simply apprehensive to begin a discussion with someone you love that is showing these signs because it may offend them, the warning signs should not be ignored. The sooner you open a dialogue with everyone involved in your parent or grandparent's life, including them, the better the end result will be for everyone. To wait until you need a court order for guardianship because you and other family members were afraid to take the precautionary and necessary steps during the early stages or signs of dementia of a loved one could have a devastatingly emotional and financial impact on all involved.

If you or someone you know are showing signs of dementia, such as forgetting who you are, paying out large sums of money to persons unfamiliar to the family, not knowing what month or day of the week it is, no longer groom or clean themselves, or seem confused, suspicious, depressed, fearful or anxious, then it is probably time that you contact an attorney experienced in elder and estate planning law to discuss estate and elder care planning options. **L**



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