

Legal Tips for Caregiving During Covid-19

With all the uncertainty brought about by COVID-19, many family caregivers are quickly working to create or update their legal documents. As a caregiver, there are things you can do today, from your own home, to formalize your loved one's wishes and make life easier for you both. Take this time to get your own wishes and legal documents in order, as well. You should always consult with an attorney when revising legal documents.

1. Prepare or refresh health care directives

- Selecting someone who can receive your loved one's medical information, talk to medical providers, and make medical decisions for your loved one if he or she is incapacitated is important at any time. Your loved one can name these people in health care directive documents such as a Health Care Surrogate, Health Care Proxy or Health Care Agent Designation. Living Wills set forth your loved one's end-of-life wishes and may be included in the health care directive or be a separate document.
- Quality health care directives and living wills can be found for free online.
- If it has been a few years since these documents have been created, make sure the information is current.

2. Consider creating other essential caregiving documents

- If your loved one needs a will, trust, or durable power of attorney, find out if his or her state allows for electronic wills or online notarization of such documents to help maintain physical distancing requirements.
- Reach out to an attorney licensed near your loved one. Many are working remotely, and offering creative solutions, like drive-up will signings.

3. Be sure that you, your family members, and other key family point of contacts have copies of important documents and information

- At a time where travel is restricted, you may not be able to stop at the safe deposit box to take out legal documents for your loved one, in case of an emergency.
- Send your loved one's health care documents to you by U.S. Mail, email, or even using a picture on your smart phone. Not having or not being able to find the documents can be a hinderance to effective caregiving.
- Create lists of your loved one's accounts, passwords, and advisors.

4. Explore other options if you can't make or update your loved one's documents at this time

- Make sure the correct beneficiary is on certain accounts to help the correct person inherit money directly and without the need for probate if your loved one passes away.
- Pre-purchase cremation, burial, or funeral packages (there are financial and emotional benefits to doing so)
- Have long talks or write letters of instruction that will, at a minimum, help inform you of your loved one's end-of-life and post-life wishes

5. Don't go at it alone – rely on your loved one's doctors, financial advisors, accountants, and attorneys

- Your loved one's advisors and attorneys can explain inheritance of accounts, tax implications, and how to maintain eligibility for benefits. Call them before making changes to your loved one's estate plan that may negatively affect you or your loved one.
- Your loved one's doctors can advise about documents used for seriously ill patients, such as Do Not Resuscitate (DNR).

6. Have a plan for changing circumstances

- Now is the time to have a meeting with your loved one's care team. Consider your plan for what happens if you, as the caregiver, requires hospitalization or increased facility care. Ensure that all wishes are communicated and understood.

PROCEED WITH CAUTION

- **Online documents like wills, trusts, and powers of attorney** must comply with your loved one's state's laws to be valid. DIY documents could be invalid if not done properly. When in doubt, call a legal professional.
- **Remember that if a loved one has dementia or cognitive decline**, you should not ask them to sign legal documents without consulting an elder law attorney for guidance.
- **Make sure you consider the laws of your loved one's place of residency** when making legal plans and documents. Laws vary dramatically per state.
- **The most important thing at this time is keeping you and your loved one safe!** If you can't get all your loved one's legal affairs in order now, it can always be handled later. Just make sure you have the conversations with your loved one so they know your wishes!

RESOURCES

Elder Law Attorneys and resources can be found at: www.naela.org

AARP provides free, printable advance directives for every state [here](#). Use of any directive should be done in consultation with an attorney of your choice.