

# PRIME TIME LAW NEWS

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## Prime Time Law: What is it?

Are you approaching fifty-five years of age, or do you provide care on a regular basis for someone who needs assistance? If so, you need to know about something we call “Prime Time” Law. Prime Time Law, a phrase we coined because it is for those in the “prime of life”, focuses on providing information and tools necessary to take care of people and property. Often it centers on planning for illness and death so that, if the unthinkable occurs, you and your loved ones are ready. If you are already in the midst of a crisis, then Prime Time law is designed to help you weather the storm, equipping you for troubled times.

## Do I Need a Will?

Yes. A will is a legal document that tells everyone who gets your property after you die. It can also simplify matters for your loved ones by eliminating expenses such as preparing an inventory of your assets and posting bond. Even if your assets seem insignificant, you should have a will. Where will the family album and Bible go? Who gets the family china? If you are killed (in a car wreck or otherwise) and a lawsuit is filed, who gets the proceeds? Having a will can resolve those issues. More important perhaps, with a will you can plan (using a Special Needs Trust) to protect disabled loved ones you leave behind.

Although you can prepare a will without a lawyer, if you care what happens to your

property after you’re gone, you should hire a lawyer and do it right. If your will is not prepared and executed the right way, the Courts may not honor it (and your disabled loved ones may lose their SSI or Medicaid benefits). Although our experience is “you get what you pay for”, there are lawyers who will prepare wills for a nominal fee.

## What can you tell me about Living Wills and Durable Powers of Attorney for Healthcare?

Unlike a traditional will, living wills are used while you are still alive. They are designed to tell your loved ones and doctors what your wishes are if you are unconscious and your medical condition degenerates to the point where you will never wake up. You should consider executing a living will (consider involving a lawyer because the law requires the same formality in execution as is necessary for a traditional will), if for no other reason than to communicate your desires to your children. If you don’t make your wishes known, your children may be forced to make hard choices during a time of crisis. As difficult as the subject is, planning ahead eases the burden for everyone involved.

Another helpful document is the Durable Power of Attorney for Healthcare. This document allows you to designate one or more people to make healthcare decisions for you if you are unable to make decisions for yourself. If properly prepared, it applies following an injury or illness that deprives

you of your decision-making ability. For example, if you are injured in a car wreck, while unconscious, your loved one can see that you receive appropriate medical care. If you execute a Durable Power of Attorney for Healthcare and, later, you develop dementia, your loved ones can make healthcare decisions for you. If you do not empower someone to make decisions for you during times of crisis, then Court action may be required if it becomes necessary to make decisions for you.

## **Guardianship Proceedings**

When you are unable to speak for yourself and have not executed an effective power of attorney, then no one can speak for you until a Court appoints someone to serve as your guardian. Often, loved ones discover the need for a guardianship proceeding when time is of the essence. The wheels of justice often turn slowly and waiting during a time of crisis may be an inconvenience you can live without. One way to avoid this situation is to plan ahead and execute a durable power of attorney.

## **When will I know if I need to look for a nursing home, and how will I select one?**

Your doctor is probably your best resource when you consider nursing home care. He or she can help you consider the importance of daily activities that you or your loved one find impossible to perform, and consider whether nursing home care is right for you. The inability to feed yourself, bathe yourself, dress, use the bathroom, move from room to room, and similar essential activities should signal the need to speak

with your doctor about this important issue. Also, consider purchasing products that help you compensate for physical challenges. You can find information about many elder needs on the internet, or through the Elder Care Locator at 800-677-1116.

Care-givers should consider whether they are able (physically, mentally and emotionally) to meet your loved one's needs. Will you have sufficient help to prevent burn-out? Consider reading Rosalynn Carter's book Helping Yourself Help Others, or contacting organizations such as the National Alliance for Caregiving.

If you need to select a nursing home, there are many helpful tools you can use to identify the best available location. You can print one of those tools, a Guide to Choosing a Nursing Home, from the Healthcare Financing Administrations website. \An adapted version, as well as other resources, is on our website.

## **Helpful Organizations**

If you need help, ask for it. Numerous government and private organizations are waiting to give you the support you need. Many of them are identified on our website. Or, if you do not have access to a computer, contact us and we will provide contact information to you free of charge. Call us if you have any questions and we will do our best to find you the answers you need.

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