



Scott Veatch



Carol Taylor



Dani Mandelstam-Guerttman

# Welcome to the Wyoming Dementia Caregiver Network



Theresa Robinett



Heidi Maxwell



# WDT Caregiver Network Caregiver Decision Making Financial Planning



**Nancy Norton**  
**Elder Care Attorney**  
**Norton Law, LLC**  
**September 1, 2021**

# Our Vision

**Our vision is to create a vibrant, active community that touches every caregiver in Wyoming in order to harness personal strengths and local resources to ultimately provide the best care possible for those living with dementia.**

# Mission Statement

**We are a community of experienced professionals who partner with caregivers to provide confidential education and support free of cost to those whose loved ones are living with dementia.**



Welcome !

Wyoming Center on Aging  
Facilitator: Sabine Schenck  
Technical Support: Jenny Wolf



Sabine Schenck



Jenny Wolf

The goal of today's session is to provide you with insights and education on how you can be the caregiver you strive to be.

# We are in this together



**Considerations when  
making a will**

**Living Will**

**Power of Attorney for  
Finances and Legal Matters**

# Today's Speaker



**Nancy Norton**  
**Elder Care Attorney**  
**Norton Law, LLC**



# ESTATE PLANNING

(Part 2)

Nancy Norton  
Norton Law Office, LLC







## **DISCLAIMER:**

**The information in this presentation is not legal advice.**

**Please seek legal advice about your specific situation from an attorney.**



# WHAT IS ESTATE PLANNING ABOUT?

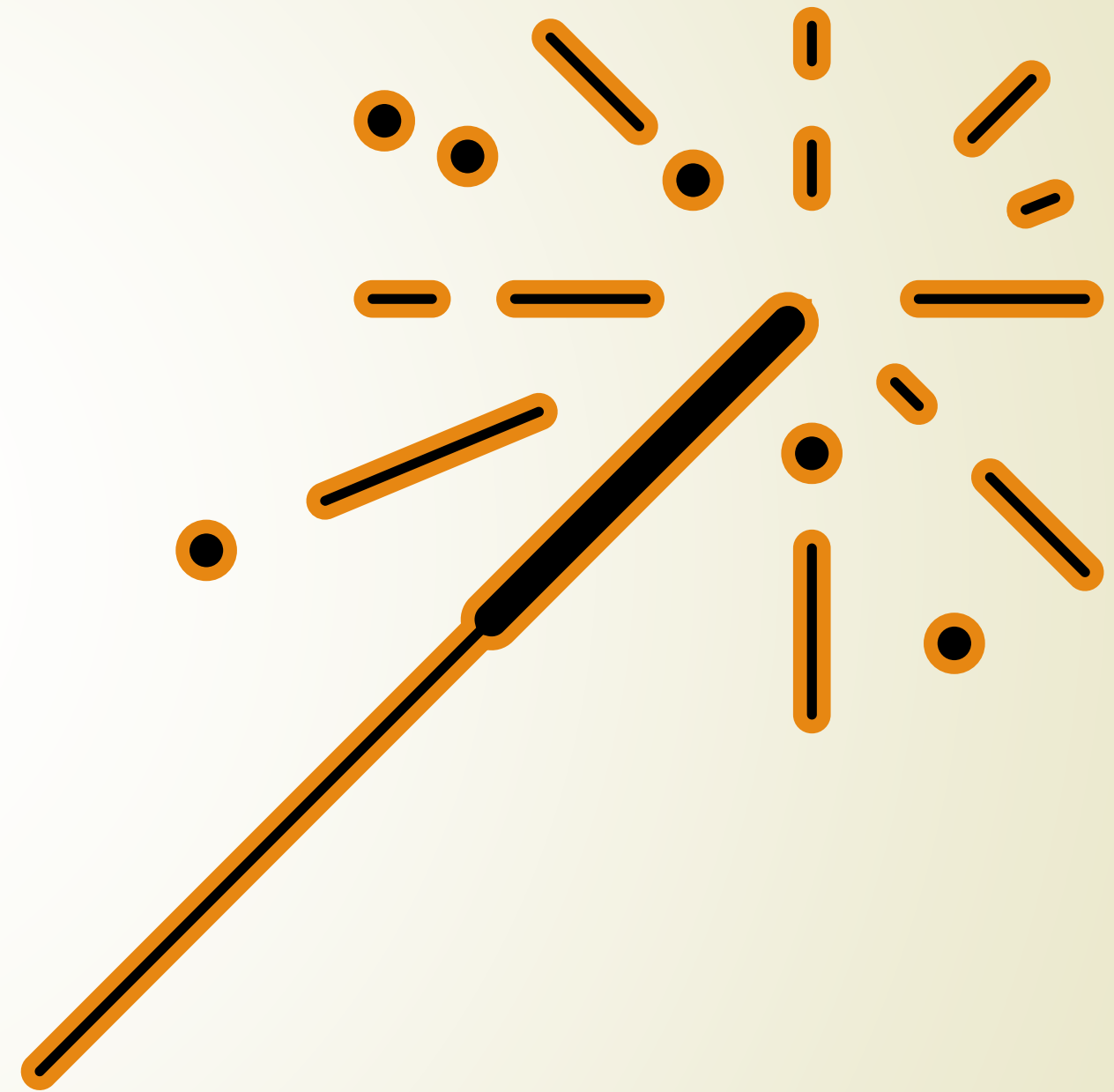
- 1) Directing type & quality of care during life**
- 2) Ensuring sufficient resources available for care & housing**
- 3) Nominating Guardian (if needed)**
- 4) Controlling where assets go after death**
- 5) Reducing burden on Loved Ones post death  
(Help with array of decisions)**



# CAPACITY

Individual (Principal) has ability to:

- understand significant benefits, risks & alternatives to proposed health care; and
- make and communicate health care decisions









# ADVANCE HEALTH CARE DIRECTIVES

(a/k/a “Durable Power of Attorney for Health Care”)

- ~ **Appoint your Health Care Agent(s)**
- ~ **Effective: immediate or springing (pros & cons of each)**
- ~ **Agent can make decisions about health care for you**
  - **select health care providers**
  - **elect medical tests and treatments**
  - **residential placement: home or facility?**



# **ADVANCE HEALTH CARE DIRECTIVES**

-  **Incorporate “Living Will” for Terminal Illness**
-  **Organ Donation**
-  **Memorial Service / Funeral**
-  **Final Disposition / Burial**



# LIVING WILLS

- ❑ **DOCUMENT END-OF-LIFE MEDICAL CHOICES**
  - Irreversibly ill per Physician
  - Only effective when Patient has no capacity
- ❑ **ID TREATMENTS TO WITHHOLD / WITHDRAW**
  - Feeding Tube, Ventilator, Etc.



# Dementia Directives

- **Standard Living Wills not Sufficient for Dementia**
- **Cognitive Decline / Dementia- longer course (5 to 20 years); average time from mild to severe is 8 years**
- **1 in 9 people over age 65, and 1 in 3 people over age 85 have dementia (Alzheimer's Assn data)**
- **Often Accompanied by Physical Decline**
- **Many wait too long to shift to comfort focused care only**



## **Dementia Directives (Cont'd)**

**Nutritional Support when problems with  
chewing, swallowing, aspiration**

- **Assisted Hand Feeding**
- **Tube Feeding**
- **Voluntary Stopping of Eating and Drinking**
- **Comfort-Focused Feeding**

# Dementia Directives – Cont'd

## Level of Care Options at Different Stages of Dementia

- Full Effort to Prolong Life
- NO CPR / NO Breathing Tube
- NO ER / Hospital
- Comfort-Oriented Care only (alleviate pain & anxiety)

(Dementia-Directives.org)

## Other Considerations:

- Treatment of Aggressive Behaviors
- Driving- when to take keys away and who should do it
- Intimate relationships

(End of Life Washington)

# Dementia Directives – Cont'd

## Level of Care Options at Different Stages of Dementia

- Full Effort to Prolong Life
- NO CPR / NO Breathing Tube
- NO ER / Hospital
- Comfort-Oriented Care only (alleviate pain & anxiety)

(Dementia-Directives.org)

## Other Considerations:

- Treatment of Aggressive Behaviors
- Driving- when to take keys away and who should do it
- Intimate relationships

(End of Life Washington)



# Related Health Care Documents

## HIPAA RELEASE

- Agent access to medical records and conference with physicians and other health providers
- Stand alone or in Advance Health Care Directive

MEDICAL FOLKS NEED TO  
KNOW IT EXISTS

**DO NOT RECUSCIATE (DNR)  
ORDERS**

---

**WYPOLST- DR. MUST SIGN IT!**

# POWER OF ATTORNEY FOR FINANCES & LEGAL MATTERS



# **DURABLE POWER OF ATTORNEY FOR FINANCE AND LEGAL AFFAIRS**

## **Appoint Agent(s) to manage your Finances and Legal Affairs**

- ❖ Pay Bills & Manage Debts (Mortgage, Credit Card, Loans, etc.)
- ❖ Access accounts
- ❖ Deal with business interests (make legal decisions, sign contracts)

## **Immediate or Springing**

## **Scope of Agent Authority- Limited to Broad**

## **Gifting - Medicaid Eligibility and Other Gov't Benefits**

## **Avoid court appointment of Conservator**





## **PICKING AGENT(S)**

- ✓ ***TRUSTWORTHY***
- ✓ ***KNOWS YOUR WISHES & VALUES***
- ✓ ***WILL SEEK PROFESSIONAL HELP***
- ✓ ***ORGANIZED***
- ✓ ***YOUR FIDUCIARY***
- ✓ ***ONE OR TWO AGENTS?***
- ✓ ***AVOID HAVING TO APPOINT CONSERVATOR IN COURT***



# A WORD ON ELDER EXPLOITATION:

## Via a Durable Power of Attorney

- UNDUE INFLUENCE / ABUSE
- PREVELANT IN U.S.
- DIFFICULT TO INVESTIGATE
- ACCOUNTABILITY IS KEY!
- REPORT EXPLOITATION OR ABUSE TO LAW ENFORCEMENT





# WILLS

## WHAT A WILL ALLOWS YOU TO DO . . .

- **Appoint “Personal Representative”**
- **Make Specific Gifts to Specific People / Charities**
- **Direct Payment of Debts & Expenses**
- **Distribute “Residuary” Estate**
- **Appoint a Guardian for Minor Children**

## BUT, YOU CAN'T AVOID. . .

- **Paying Taxes**
- **Paying Debts**



# WILLS HAVE STRICT REQUIREMENTS



(I) WRITTEN & SIGNED

(II) WITNESSED  
at least two, over 18 and  
not a Will beneficiary

(II) NOTARIZED



# INSTRUCTION LETTERS

(WITH WILL OR SEPARATE)

## LIST TANGIBLE POSSESSIONS



Family Heirlooms

Art

Photos

Jewelry

## FUNERAL & BURIAL



# WHAT'S IN A PROBATE ESTATE?

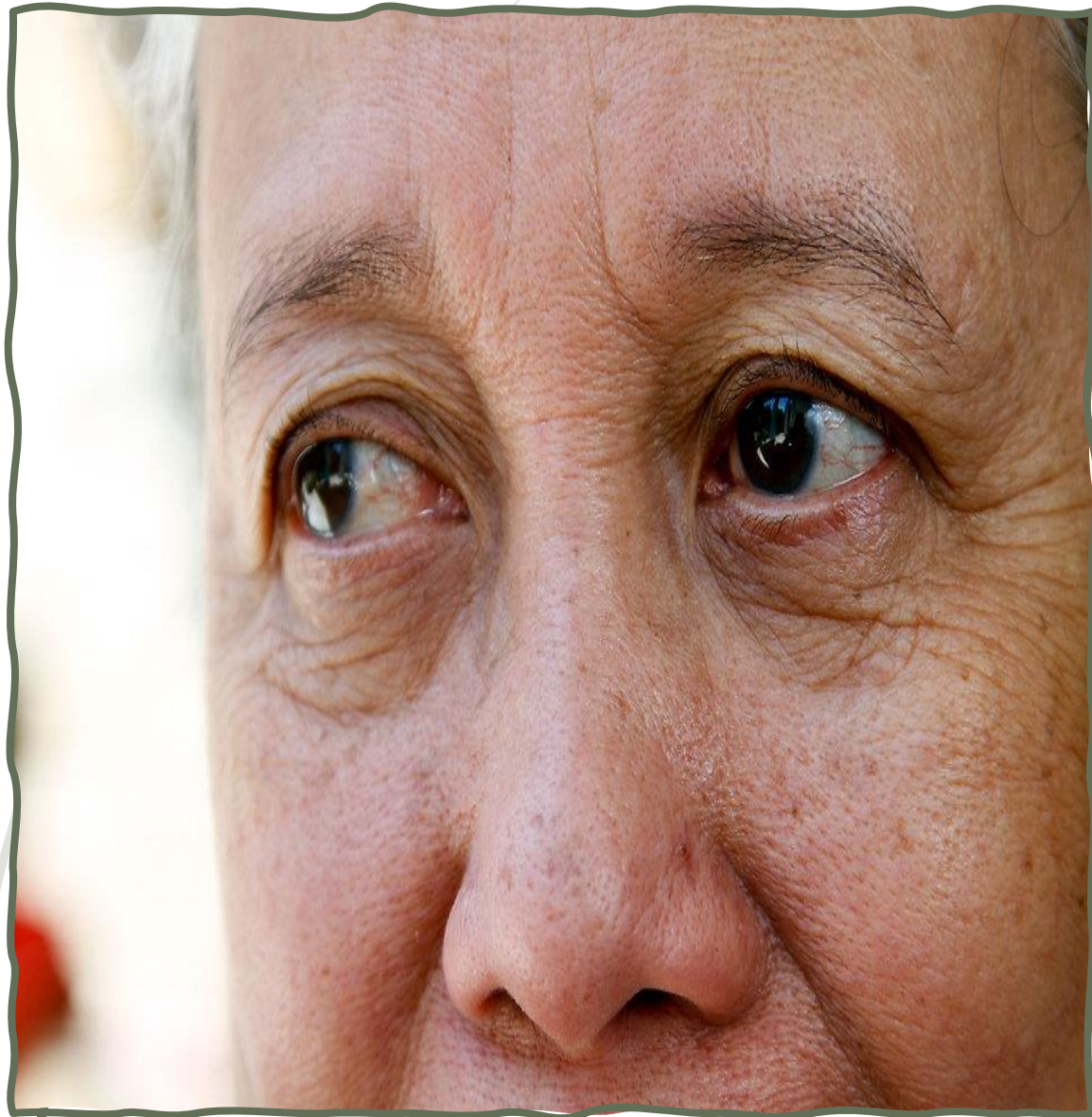
## Assets & Debts

### What is NOT in a Probate Estate?

- Property in Trust
- Property Owned Jointly with Another
- Property Subject to Beneficiary Designations
- Lifetime Gifts to Others



# WAIT, WHAT IF I DON'T HAVE A WILL?



The state has one for you known  
as “**Intestacy**” = **Default Rules**

WY law determines who gets your  
stuff.

# PROBATE PROCESS



Judge Supervised



Administration Rules



Public



Expensive (1% to 10% of estate assets)



Time Consuming



Summary Probate (assets under \$200k)

**NOT SURE PROBATE IS  
FOR ME...CAN I AVOID IT?**





TRU





# TRUSTS IN A NUTSHELL

- ▶ Legal Arrangement where Trustee holds & manages trust assets for the benefit of another person (Beneficiaries)
- ▶ Separate legal entity
- ▶ Advantages Over a Will:
  - ✓ Use During Life (If Incapacity) **and** Post Death
  - ✓ Avoid Probate Process
  - ✓ Protect Assets from Beneficiary's Creditors
  - ✓ Minimize Taxes (some trusts, not all)



# **TRUSTS ARE A GREAT TOOL BUT THEY ARE NOT FOR EVERYONE**

**MORE COMPLEX THAN A WILL**

**EXPENSIVE TO SET UP VS. A WILL**

**MUST BE FUNDED (RE-TITLE ASSETS SO OWNED BY THE TRUST)**

**TRUST TAX ON INCOME HIGHER**

**APPOINT TRUSTEE TO TAKE OVER POST DEATH**





## KEY TO TRUSTS IN ESTATE PLANNING



**NEED TO FUND THE TRUST!**



A wide-angle photograph of a tropical beach. The foreground shows shallow, clear turquoise water with white foam from gentle waves washing onto a sandy shore. The middle ground is a vast expanse of deep turquoise ocean extending to a flat horizon. The sky is a vibrant blue, filled with large, fluffy white cumulus clouds. The overall scene is bright and serene.

**QUESTIONS?**



# Let's Talk

- **What questions do you have?**
- **Identify 1 thing you can do next.**





## Contact Information:

# Nancy Norton

(307) 203-2413

email: [nancy@nnortonlaw.com](mailto:nancy@nnortonlaw.com).

235 Broadway

PO Box 11658

Jackson, WY 83002

[Norton Law \(nnortonlaw.com\)](http://nnortonlaw.com)



# WDT Caregiver Network Survey

[https://uwyo.sjc1.qualtrics.com/jfe/form/SV\\_ebLUpU1wK6zycoS](https://uwyo.sjc1.qualtrics.com/jfe/form/SV_ebLUpU1wK6zycoS)



# WDT Caregiver Network

[http://www.uwyo.edu/wycoa/educational\\_and\\_training\\_opportunities/wdt-resources.html](http://www.uwyo.edu/wycoa/educational_and_training_opportunities/wdt-resources.html)



Wyoming Center  
on Aging





# Next Session:

**September 15, 2021 at 10:30 am**

**What are my care options? Levels of Care (1)**

**Contact information**

**Wyoming Center on Aging**

**Jenny or Sabine: (307) 766-2829**

**wycoa@uwyo.edu**

**[www.uwyo.edu/wycoa](http://www.uwyo.edu/wycoa)**



# Wyoming Dementia Together Caregiver Network

Wednesdays at 10:30 am (Mountain Time)

## Caregiver Decision Making

September 15, 2021

September 29, 2021

October 13, 2021

What are my care options? Levels of Care 1

What are my care options? Levels of Care 2

Care Coverage: Insurance, Private Pay and Community Support

### Contact information

Wyoming Center on Aging

Jenny or Sabine: (307) 766-2829

[wycoa@uwyo.edu](mailto:wycoa@uwyo.edu)

[www.uwyo.edu/wycoa](http://www.uwyo.edu/wycoa)

