

# Indiana Legal Services, Inc



Using the law to fight poverty, empower clients, and improve access to justice.

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## How to Help Loved One with Decision-making

### HOW CAN I HELP MY LOVED ONE WHO IS HAVING TROUBLE WITH DECISION-MAKING?

If a family member is willing to accept your help, your involvement with decision-making may be all that he needs. There are several things you can do:

- Offer to sit down with him every week or two to help him pay bills;
- Ask him to collect all his mail in one place and review it with him;
- Offer to go to medical appointments with him;
- Assist him with contacting an attorney to create advance directives (e.g., power of attorney, appointment of health care representative, advance funeral directive) while he still has the ability to understand;
- Help him get on the “do not call” list by calling 1-888-834-9969;
- Ask him to talk to you before he make any important decisions;
- Treat him with dignity when he asks for help;
- Avoid scolding him for mistakes; and
- Help him to contact the Area Agency on Aging at 1-800-986-3505 to see if he is eligible for any services.

### WHAT CAN I DO FOR A LOVED ONE WHO IS NOT ABLE TO ASK FOR HELP?

If a loved one is unable to manage money or make medical decisions, and cannot ask for your help, you can help her by:

- Applying to become your loved one's representative payee, if her only income is from Social Security; and
- Serving as a health care representative if you are a qualified relative (spouse, child, sibling, or parent).

## WHEN IS GUARDIANSHIP OR OTHER COURT ACTION NECESSARY?

Guardianship deprives a person of control over assets, income, and personal decisions. Generally speaking, people do better when they retain as much control over their circumstances as they can safely handle. As a result, guardianship should be a last resort. Even when guardianship is necessary, the guardian should include the person in decision making to the extent possible. Some examples of individuals who may need a guardian or protective order include:

- The person who has no one who will help her make decisions;
- The person who is at risk of harm because her lack of capacity is causing her to make bad decisions (without a lack of capacity, we all get to make bad decisions that are harmful to us);
- The person who is exploited and who is unable to stop the exploitation due to her lack of capacity; and
- The person who refuses necessary medical help as the result of her lack of capacity.

If you, or your loved one has any more questions, contact your local [ILS Senior Law Program](#)

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