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.