

Primer on Dementia – Guidance for Future Fiduciaries


The Zimmer Law Firm, LLC



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Elder Law | Estate Planning
Assuring peace of mind

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WHEN YOUR ELDER HAS DIMINISHED CAPACITY

What Future Fiduciaries Need to Know

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DEFINITION - INCAPACITATED

- ❖ Not a short-term impairment from which Elder will recover
- ❖ Means long term or permanent condition
 - Physical impairments
 - Diminished capacity
 - Alzheimer's Disease or dementia




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DEFINITION - INCAPACITATED

- ❖ Elder needs assistance with 2 or more Activities of Daily Living
 - Bathing
 - Dressing
 - Eating
 - Toileting and personal hygiene
 - Medications
 - Transference



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BE OBSERVANT OF YOUR ELDER

- ❖ **Early detection of changes is important**
 - Watch for cognitive changes and symptoms of dementia or Alzheimer's (see below)
 - dementia and Alzheimer's Disease in the early stages are not obvious
 - Signs of aging can be similar
 - Elder may have normal capacity at some things and not others
- ❖ **Get medical attention when you suspect cognitive decline**
- ❖ **Consult attorney about legal tools to help and protect your Elder**



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BE OBSERVANT OF YOUR ELDER

- ❖ **Understand “financial capacity”**
 - A set of complex skills
 - Among first to erode in early stages
 - Definition: Ability to manage money and financial assets in a way that meets the Elder's needs, and which are consistent with his/her values and self interest
- ❖ **Relationship to estate planning**
 - The tools of the estate plan are tools for incapacitation – *not just passing assets at death*



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PRIMER ON DEMENTIA AND ALZHEIMER'S

- ❖ Terms “dementia” and Alzheimer's are often used interchangeably
- ❖ They are not the same
- ❖ Chances increase as we age
 - Risk doubles every 5 years starting age 65
 - By age 85, one in three are affected



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PRIMER ON DEMENTIA AND ALZHEIMER'S

- ❖ **Dementia is not a disease**
 - Group of symptoms that affect mental tasks like memory and reasoning
 - Numerous causes, most common of which is Alzheimer's Disease
 - As it progresses, it can affect ability to function independently



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PRIMER ON DEMENTIA AND ALZHEIMER'S

❖ National Institute on Health:

- Dementia is a brain disorder that affects communication and performance of daily activities
- Alzheimer's disease is a form of dementia that specifically affects parts of the brain that control thought, memory and language.



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PRIMER ON DEMENTIA AND ALZHEIMER'S

❖ Signs of Dementia

- **Easy to overlook in early stages**
 - › Often begins with simple episodes of forgetfulness
 - › Trouble keeping track of time
 - › Losing one's way in familiar settings
- **As dementia progresses**
 - › Forgetfulness and confusion grow
 - › Harder to recall names and faces
 - › Personal care becomes difficult
 - › Repetitious questioning, inadequate hygiene, poor decision making are obvious signs



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PRIMER ON DEMENTIA AND ALZHEIMER'S

❖ Signs of Dementia

- **At most advanced level**
 - › Dementia patients are unable to care for selves
 - › Disoriented as to time, place, and people
 - › Behavioral changes
 - › Depression and aggression

❖ Causes of dementia

- Degenerative diseases such as Alzheimer's, Parkinson's, Huntington's
- Cleveland Clinic: Alzheimer's causes 50% to 70% of cases
- Vascular disease, stroke, HIV, depression, chronic drug use



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PRIMER ON DEMENTIA AND ALZHEIMER'S

❖ Alzheimer's is a disease (a specific form of dementia)

- **Progressive**
- **Slowly impairs memory and cognitive function**
- **Exact cause is unknown; can be mixed causes**
- **No cure**
- **5 million + Alzheimer patients in U.S.**
- **Symptoms generally begin age 60+**
- **Damage to brain begins years before symptoms show**
- **Diagnosis: autopsy is only 100% sure way, but through modern science a specialist can diagnose up to 90% accuracy**



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PRIMER ON DEMENTIA AND ALZHEIMER'S

❖ Treating dementia

- Many forms can be treated once the cause is known
- Medication can help manage dementia, including dementia from Alzheimer's
- Dementia patients can also benefit from supportive services
 - Home health aids and care givers
 - Assisted living facility or nursing home may be necessary as condition progresses



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PRIMER ON DEMENTIA AND ALZHEIMER'S

❖ Symptoms of dementia

- Diagnosis must be supported by at least 2 types of impairments that are significant enough to interfere with everyday life
- Memory loss
- Impaired language – trouble finding right words, difficulty explaining things
- Impaired communications
- Trouble with focusing thoughts, confusion
- Failing sense of direction



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PRIMER ON DEMENTIA AND ALZHEIMER'S

❖ Symptoms of dementia, cont'd

- Reasoning is impaired
- Mood changes, depression
- Apathy, listlessness
- Difficulty with normal tasks, e.g. checkbook, bill paying, playing games with rules
- Difficulty learning new tasks
- Repetitiveness in speech or tasks
- Struggling to adapt to change



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A TIME OF TRANSITION

Some day you may have to make a decision whether your Elder should live in an assisted living facility, nursing home, or have caregivers in the home.

This is a very difficult decision and time in the lives of all persons affected.

Especially for children who do not want to admit that a parent who provided life and nurturing for so long is now in need of care that perhaps the child cannot provide in return.



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A TIME OF TRANSITION

There are often many options other than moving to a facility.

Knowing what to look for, and getting medical and other professional assistance, will help you help your elder.

Following are a few thoughts and things to watch for, to raise awareness, to help recognize when it may be time for a change.



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SIGNS IT MAY BE UNSAFE FOR YOUR ELDER TO LIVE AT ALONE

- ❖ Missed doctor appointments may be a sign of declining health
- ❖ Poor hygiene, inappropriate dress for the season, disorientation, getting lost or wandering in familiar areas could be early sign of Alzheimer's or dementia
- ❖ Memory loss – even when reminded
- ❖ Word problems – inability to recall common words, frequent repetitiveness



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SIGNS IT MAY BE UNSAFE FOR YOUR ELDER TO LIVE AT ALONE

- ❖ Sending money to scam charities, inappropriate expenditures, suggest inability to use appropriate judgment
- ❖ Physical aggression – inability to control feelings of distress
- ❖ Inaccurate statements (psychotic ideation)
- ❖ Unopened mail and neglected household duties
- ❖ Poor nutrition, spoiled food
- ❖ Scorched pans – inability to cook safely, fire risk



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SIGNS IT MAY BE UNSAFE FOR YOUR ELDER TO LIVE AT ALONE

- ❖ Injuries – unexplained bruises may be signs of falling
- ❖ Damages to car or house that cannot be explained or recalled

Good Article: 5 Signs an Elderly Person Shouldn't Be Living Alone

<http://health.howstuffworks.com/wellness/aging/elder-care/5-signs-elderly-living-alone.htm>



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