

# WHEN LIFE GETS LEGAL

## Caregivers: Essential Legal Tools

September 11, 2024  
12pm - 1pm

### Session Notes

Below is a summary of the topics and items discussed on the September 11th session of When Life Gets Legal, Caregivers: Essential Legal Tools

#### **A recording of this session is available for viewing at [www.LRseminars.com](http://www.LRseminars.com)**

\*The information presented in this webinar is provided by Attorney John Kidwell for informational purposes only. Attorney Kidwell is licensed to practice law in the state of Virginia and Maryland. The details shared are based on his understanding of the laws within that jurisdiction. The webinar content is intended to be general in nature and may not reflect the laws of other states or regions. Attendees are advised to consult with a qualified legal professional in their respective jurisdiction for advice tailored to their specific circumstances.

### SESSION TOPICS

- Power of Attorney
- Guardianship
- Incapacity
- Estate Planning
- Advanced Medical Directive
- Legal Authority
- Conservatorship
- Trusts
- Probate
- General Durable Power of Attorney

### What is the purpose of a power of attorney in caregiving?

A power of attorney (POA) allows a caregiver to make financial and legal decisions on behalf of the person they are caring for. It is essential when the person is unable to handle these matters independently due to incapacity or other reasons.

### How does a general durable power of attorney differ from an advanced medical directive?

A general durable POA gives authority to manage financial and business affairs, while an advanced medical directive allows someone to make healthcare decisions if the individual becomes incapacitated.

### What are guardianships and conservatorships, and when are they needed?

Guardianship grants the caregiver authority to make decisions about the person's care, while conservatorship gives control over their finances. These are necessary when a person is no longer able to cooperate or make decisions.

### What financial instruments can caregivers use to plan for long-term care?

Options like life insurance with chronic illness riders, annuities, and long-term care insurance can provide financial support during caregiving. These tools help ensure that caregivers aren't financially burdened while managing care costs.

### How does a trust help in estate planning for caregivers?

A trust allows assets to be managed and distributed according to the individual's wishes without going through probate. It can be particularly useful for caregivers managing the estate of someone with long-term care needs.



## What should be documented as part of caregiving?

Document any financial transactions made on behalf of the person, their medical conditions, doctor visits, and any significant changes in their ability to perform daily tasks. This helps in managing care and ensuring transparency.



## KEY TIPS

- 1. Prepare Early:** Don't wait until it's too late—set up legal documents like power of attorney, medical directives, and estate plans while the individual is still capable of making decisions.
- 2. Regularly Update Documents:** Review and update estate planning documents regularly, especially if there are changes in the individual's health or financial situation
- 3. Explore Financial Tools:** Look into long-term care insurance, life insurance with riders, and annuities to ensure that caregiving is financially manageable.
- 4. Use Resources:** Take advantage of legal and financial planning tools such as family estate letters and final disposition letters to ensure that the caregiver understands the individual's wishes.

### About our speaker:

**JOHN KIDWELL** THE LAW OFFICES OF KIDWELL & KENT



John Kidwell has been the owner and managing partner of The Law Offices of Kidwell & Kent since 2004, with offices in Fairfax, Virginia, and Rockville, Maryland. Mr. Kidwell also owns and operates his in-firm commercial and residential real estate title company, Old Dominion Title Services, Inc., and is a licensed financial securities and registered representative.

In 2010, Mr. Kidwell partnered with Long & Foster Realtors to develop a subsidiary, Platinum Group Services, to lay the legal framework for a multistate short sale prosecution apparatus that pioneered the successful negotiation of real estate short sales across the country, saving thousands of families from foreclosure.

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Our Member Services team is available for assistance.

Phone: 800.728.5768

Email: [info@legalresources.com](mailto:info@legalresources.com)

[www.legalresources.com](http://www.legalresources.com)