

# AgingToday

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## Gay or straight, single childless elders can age better with an estate plan

By **Holly Deni**

Lots of us have seen it—a chuckle-inducing bumper sticker that reads, “*Be Kind to Your Kids—They’ll Choose Your Nursing Home.*” But that chuckle could be tinged with anxiety, especially if you are familiar with impending demographics. While most are well aware that the baby boomers will turn 65 in unprecedented numbers over the next 35 years, fewer of us realize that one third of people ages 45 to 63 are unmarried, and at least 20 percent of baby boomer women are childless, creating a wave of single people confronting older age on their own.

If we add LGBT (Lesbian, Gay, Bisexual and Transgender) elders to this statistical mix, the numbers shift dramatically. The 2011 Aging and Health Report: *Disparities and Resilience among Lesbian, Gay, Bisexual, and Transgender Older Adults* (<http://goo.gl/t9i4w8>), a landmark study of the LGBT older population, reports that 66 percent of their respondents were single, 75 percent had no children and 55 percent lived alone.

### **Preparing for a Future without Support**

Many baby boomers, gay and straight, will enter their later years without traditional family support systems. LGBT singles and couples without children, however, may face unique circumstances that make it even more imperative to have an estate plan in place prior to old age. Careful and thoughtful planning can give childless LGBT elders a real advantage in getting through their later years with dignity and choice.

If you ask most people to define estate planning, they immediately mention a will. But wills go into effect after death; more critical are documents that provide protection for those who become incapacitated at some point in life.

The most powerful tools available to anyone who wants to have a say in how they are treated in the event of their incapacitation are Advance Healthcare Directives (AHCD). For LGBT people who may have complicated relationships with family members, a detailed and specific living will, in combination with the naming of a healthcare proxy, can help ensure that their wishes for which types and intensities of treatments they receive are carried out even if they become unable to speak for themselves.

Childless elders who have difficulty identifying someone to act as their healthcare proxy have the option of working with their doctors to complete a Physicians (or Practitioners) Orders for Life-Sustaining Treatment (POLST) form. POLST forms most often come into play at the end-of-life, and can help to ensure that the patient’s wishes are honored.

In addition to safeguarding their rights in the healthcare area, it is critical that childless LGBT elders designate a highly trusted person to handle their business affairs should they be-

come unable to do so. A Durable Power of Attorney form, with state-specific language included, will allow an agent to act in any situation spelled out in the document. Because this is a durable document, it goes into effect as soon as it is signed, so trust is paramount.

### **Choosing the Right Agent**

While couples with children normally name each other as agent and make provisions for one of their children to act as backup, those without a partner or progeny face a more difficult decision, especially in cases where families have become estranged because of an inability to accept the elder's LGBT identification. The *Aging and Health Report* found that, while 64 percent of those studied had a healthcare directive in place, only 71 percent of those without a directive had identified someone to act for them.

The other 29 percent must rely on family of choice, friends, neighbors or professional designees such as conservators or trustees to carry out their plans. This can be a double-edged sword, with legitimate doubts and trust issues on the part of the LGBT elder and feelings of imposition and unwanted levels of responsibility on the part of the friend or neighbor.

Those seeking an agent have to be ready to discuss matters that require them to reveal a great deal of closely held personal information. Doing so requires a leap of faith that can be hard, even impossible, for some to take.

Choosing an agent who shares similar beliefs regarding healthcare, death and spiritual issues will provide reassurance that the elder's wishes will be honored. The agent must, in clear conscience, pledge to carry through with instructions despite any contrary personal values. Someone who has already dealt with the loss of a parent, spouse or sibling will be more cognizant of the "what-ifs" a responsible agent needs to address prior to agreeing to serve.

### **Keeping It Current**

It's important to remember that all estate documents can and should be revisited and changed as circumstances evolve. Estate planning is not a "one and done" process. All estate documents, including beneficiary designations and wills, should be reviewed at least every few years, or every time there is a significant life event.

Professionals in the field can help their childless elder clients, both LGBT and straight, by becoming knowledgeable about the basics of estate planning and by encouraging discussion and implementation well in advance of cognitive decline or any other type of incapacity. ■

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