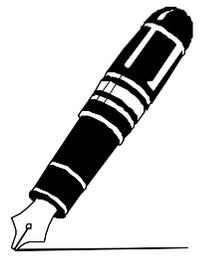


**JEFFREY BURR, LTD.**  
**JAMES M. O'REILLY - Elder Law Division**  
June - July 2010 Newsletter  
**"SOLUTIONS FOR SENIORS"**



Issue: 92

## TRUTH ABOUT LIVING TRUSTS

Just like a will, a revocable living trust is a document that lets you direct how your property will pass after your death. Unlike a will, it also directs how you want your property and finances managed during a period of disability or incapacity.

To establish a trust, the person creating it (called the trustor or settlor) writes a trust agreement and transfers the title to property into it. The trust does not take effect until the creator transfers ownership of property to the trust. This transfer is known as "funding" the trust.

A living trust takes effective during the creator's lifetime. People often name themselves as the initial trustee responsible for managing the trust. This allows the trustor to keep control over his or her finances and direct the administration of trust property during their lifetime.

A properly created living trust will be especially beneficial if you need help managing assets during a time of prolonged illness or disability, if you have children or grandchildren with special needs, or if you own real estate in more than one state. It is also one of several ways to avoid going through probate.

Living trusts are not the right estate planning tool for everyone. In some situations you might be better off with a simple will. Aggressive salespeople might try to convince you otherwise; however, a qualified estate planning attorney can advise you properly.

If you think a living trust might be beneficial to you and your family, please call our offices.

## WHAT'S IMPORTANT

My life has been successful. Yet, as I look ahead to retirement in the next decade, I reflect upon the personal moments over the years where I did not fully embrace the many experiences with friends and loved ones, glorious sunsets, the renewal of life every spring, quiet times, and so many other life experiences. And although my window to the world was wide open, often I allowed my vision to be impaired by the daily grind of what was seemingly important.

If I had known then what I know now, I would have attempted to freeze those moments in time, absorb their significance, and allow them to assume their rightful place in my growth as a human being.

Luckily, as long as the sun rises and sets, a second chance to appreciate these important moments awaits us all!



"Joy increases as you give it, and diminishes as you try to keep it for yourself. In giving it, you will accumulate a deposit of joy greater than you ever believe possible."

## DISTRIBUTION OF THIS NEWSLETTER



We encourage you to share this newsletter with anyone who is interested in issues pertaining to the elderly. The information in this newsletter may be disseminated without charge or permission, but with appropriate reference to *Solutions for Seniors*.

# HOME HEALTH CARE: INTERVIEWING AND HIRING THE RIGHT EMPLOYEE

## The Problem:



Finding a good home-health-care employee is like winning the lottery. You often go through many employees before coming up with a winner and just when you and your parent or spouse are comfortable with them, they leave. It may

be extremely frustrating and depressing for all concerned. Elderly people, specifically those with Alzheimer's disease, need a routine, and going through several home-care providers only leads to more confusion and anxiety.

## The Search:

Most people do not know how to interview a home-health-care employee, whether he/she will be working as a companion, aide, LPN or RN, nor do they know what questions to ask former employers. The first task is to find a reputable agency with experience in placing such professionals. Ask around to see if anyone you know has had a previous experience with an agency in your community. Call your minister, priest or rabbi to see if someone in your congregation does this type of work or has had experience with a particular agency or person. Put an ad in your congregational or community newsletter or bulletin. Contact the Director of Nursing at a hospital or nursing home to see if they know of a staff member who is interested in doing private duty care.



## The Interview:

Once you set up an appointment, make sure your parent or spouse is involved in the interview. After all, they will be spending a great deal of time with this caregiver and it is important for them to feel they have some input in the decision.

This may allow them to feel they have some control, especially at a time in their lives when they are losing control over their physical and mental capabilities.

During the interview, find out from the prospective employee how she views the job. Is it merely seen as babysitting or will the caregiver get involved and provide your loved one with stimulation, such as playing cards and board games, or reading to your parent or spouse.

Does she have experience dealing with a person with Alzheimer's disease? Will she help with the bathing, dressing, feeding, toileting, and changing soiled underwear? If she is not an LPN or RN, does she nevertheless know CPR and the appropriate way to transfer a person from a bed to a wheelchair or from a wheelchair into a tub?



It is best if you find out in the first interview if she will do light housework, cooking, laundry, feed the cat or walk the dog. How will she get to your home? If she has a car, will she do grocery shopping, take your parent or spouse to a movie or the hairdresser, etc? Let her know that if she uses her car for errands or taking your spouse or parent to an activity, which involves a fee, she will be reimbursed. Then make sure to get receipts for any items purchased.

Inquire what she likes best and least about working for the elderly. Ask situational questions: What would you do if...?

In the event your spouse or parent is difficult to deal with, mention it during the interview and discuss whether she can handle him. It is better for her to decline the job during the interview than to leave after a short time and you find yourself having to go through the process all over again.

# HOME HEALTH CARE: INTERVIEWING AND HIRING THE RIGHT EMPLOYEE (CONTINUED)

## The Agency:

When you use an agency, find out what provisions they make if a scheduled employee is ill or needs to take time off. Is there a trial period or must you pay another fee if a person does not work out and you need someone else? When there is live-in help who works five days, will the weekend person always be the same? Find out if the agency is licensed by the appropriate state agencies.

If you use an agency, make sure they do a criminal background check on candidates. If you are hiring privately, it is wise that you investigate the applicant's background; at the very least, you should run a credit check.

It is important to know if the caregiver has another job while working for you. Ask to see her credentials and resumes and always check references. Ask the former employer(s) to describe her work habits and explain why she left. Not only do you want to know how long she worked previously and what her experience was, but also how she handled emergencies. Did she easily take suggestions?

## The Process:



When you decide to hire someone, go through a typical day and describe your loved one's habits. Show her around the house and how to use the appliances. Do not expect her to plan the meals. Instead write down menus and details, i.e., how your parent likes her tuna or how much sugar your spouse puts in his coffee. It is important to write down who to call in case of emergency and what time your parent needs his medications. Make a chart for the time of each medication and have the care provider cross it off when the medication is taken, so there is no confusion as to when it was dispensed.

If you are not living near your parent, it is important to get the phone numbers of neighbors and friends, as well as to give such neighbors and friends your parent's house keys in case of emergencies.

## The Agreement:

Write down the responsibilities, salary, vacation, benefits, and day that the caretaker will be paid. Make it very clear what is expected so there are no misunderstandings. Request that she give you two days' notice if she cannot be there on a specific day. Let her know if you do not want her to have visitors or make long distance phone calls while on duty. If you object to your employee gambling or drinking alcohol, mention this in the first interview. Spell out very clearly if there are certain appliances, sports equipment or any items that you do not wish the caregiver to use around your parent or spouse.



Put all money and jewelry in a safe. Have checks from pensions, investments and Social Security deposited directly into an account and do not give home health care aides access to bankbooks, statements or financial instruments.

Once you have found and hired your dream person, be careful to maintain a professional relationship. Allowing a caregiver to become a member of the family may open the door to possible exploitation, especially if you do not live nearby and cannot closely monitor the situation.

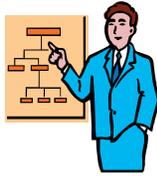
Caring for persons who have lost their capacity to function independently is a difficult and demanding job. When you find a nurturing, patient, responsible and supportive caregiver, he or she is invaluable.



“In spite of the cost of living, it's still popular.” . . . Kathleen Norris

## SPEAKING ENGAGEMENTS

Mr. O'Reilly has recently given presentations to the following groups:



- PBS Television
- Lou Ruvo Center for Brain Health
- University of Nevada Medical School, Reno
- Sun City Anthem Financial Club
- Nevada Paralegals Association
- The Savvy Senior Chat and Information Forum, Las Vegas
- Rotary Club of Boulder City
- Men's Niners Golf Club, Sun City
- Nevada Healthcare Decision Day 2010
- National Structured Settlements Trade Assn.
- Nevada Association of Legal Secretaries
- VA Ex-Prisoners of War Group
- Las Vegas Stroke Club

If you belong to an organization and wish to have Mr. O'Reilly speak at a future event, please contact our office at 477-7517. For information on future presentations, please call our office, or check our website: [www.jmoreilly.com](http://www.jmoreilly.com) and link to *Events Calendar*.

## GRANDMOTHER O'REILLY "RETIRED AND WIRED"



My mother is 90 years old and several years ago she discovered the Internet. Each issue of *Solutions For Seniors* features my mother's selected websites. This month she is featuring a website that caters to our readers who would like to determine their risk of identity theft. The concept is an identity score. The range is 1 to 999. The higher your score, the greater your risk. For more information go to [www.myidscore.com](http://www.myidscore.com). No Social Security number is required.

# INTRODUCING

## VILMA ALONSO

Vilma Alonso, Legal Assistant, relocated with her fiancé to Las Vegas from Fort Lauderdale, Florida.

Away from the office, she enjoys giving back to the community and has joined the Animal Foundation and the International Interior Design Association. She also enjoys the arts, music and the Las Vegas culinary scene.



"Take chances. Make mistakes. That's how you grow. Pain nourishes your courage. You have to fail in order to practice being brave."

. . . . Mary Tyler Moore

## THE LAST WORD . . .

*and* A true story:

A man walked into a little corner store with a shotgun and demanded all the cash from the cash drawer. After the cashier put the cash in a bag, the robber saw a bottle of scotch that he wanted behind the counter on the shelf. He told the cashier to put it in the bag as well, but the cashier refused, saying, "I do not believe you are 21."

The robber said he was, but the clerk still refused to give it to him claiming he did not believe him. At this point the robber took his driver's license out of his wallet and gave it to the clerk. The cashier looked it over, and agreed the man was in fact over 21 and he put the scotch into the bag. The robber then ran from the store with his loot.

The cashier promptly called the police and gave the name and address of the robber which information he had taken from the license. The police arrested the robber two hours later. Now that's quick thinking.