



THE FLORIDA BAR  
ELDER LAW SECTION



# **A CONVERSATION GUIDE**

FOR LONG-TERM CARE PLANNING  
FOR YOU AND YOUR FAMILY

# WHO SHOULD USE THIS GUIDE?

## **EVERYONE.**

Long-term care and financial planning for ourselves and our loved ones is a necessity in ensuring our health, safety, comfort, and financial prosperity as we age, or possibly navigate a disability. But it can be stressful, especially when it comes to having those tough conversations with aging parents, vulnerable adult children, or another family member. For many, the thought of having these critically important conversations can lead them to bury their heads in the sand and avoid them altogether. In fact, a recent survey of Floridians revealed that fewer than one-third of respondents (31%) said they had any long-term care plans for themselves or a loved one. Among those aged 65 and older, that number only increased to 38%. And when it comes to financial planning in the long-term, according to a 2021 Gallup poll, just 46% of Americans have made provisions for how their money and estate should be handled.

Careful and deliberate long-term care planning helps ensure Floridians get the best quality of care, and conversations with our loved ones is one of the first steps on that path to aging comfortably and with dignity. This guide, provided by the Elder Law Section of the Florida Bar, is designed to help you navigate tough conversations about long-term care and financial planning with your family and act as a valuable resource as you move forward with making decisions that will impact your and your loved ones' futures.



# TERMS TO KNOW

**Vulnerable adult:** A vulnerable adult is unable to take care of themselves. It can also refer to one who is unable to protect him/herself against significant harm or exploitation.

**Ward:** A person who is under the protection of the court or a guardian.

**Legal guardian:** A person who has been appointed by a court or has the legal authority to care for the personal and property interests of another person. They may be a family member, or another trusted person.

**Long-term care planning:** Long-term care planning helps prepare elderly and vulnerable persons for financial freedom and autonomy through financial and estate planning and making choices about long-term care options.

**Estate planning:** The process of anticipating and arranging, during a person's life, for the management of that person's estate during the person's life, in the event the person becomes incapacitated, and after death.

**Health care advance directives:** Legal documents that go into effect should you be incapacitated and unable to speak or make choices for yourself. This could be the result of disease or severe injury that may occur at any age. It helps others know what type of medical care you want. An advance directive also allows you to express your wishes related to end-of-life care. A health care advance directive is a living document that you can adjust as your situation changes and includes documents such as a designation of health care surrogate and living will.

**Designation of health care surrogate:** A document that identifies who makes your medical decisions if you are unable to make them yourself.  
**Living will:** States your wishes with respect to life-prolonging measures at the end of life.

**Exploitation:** Illegal use of an elderly person or adult with a disability's money, property, or other resources for monetary or personal benefit.

**Durable power of attorney:** A durable power of attorney is a written authorization to represent or act on another's behalf with respect to financial, business, or other legal affairs. The authority granted by this document survives the maker's incapacity.

**Elder law attorneys:** Elder law attorneys protect Florida's most vulnerable populations, including seniors and individuals with disabilities and special needs. Elder law attorneys understand current laws that relate to public benefits and estate planning, and monitor changes in laws and policies that may impact their clients. Attorneys who specialize in elder law help their clients in long-term care planning, estate planning, help protect them from exploitation, protect their assets including their home, and even maximize their savings and benefits on long-term care.

## DID YOU KNOW:

Only 31% of Floridians have long-term care plans for themselves or a loved one and only 19% of Floridians under the age of 45 have made those plans

## BEST PRACTICES FOR TOUGH CONVERSATIONS

**Prepare for the conversation:** Planning is an important first step when preparing for a tough conversation. Writing or typing out short notes or even an outline of what you'd like to say is important when getting ready for a conversation like this one.

**Guide the conversation:** With a plan in mind, you can make sure that the conversation doesn't get off topic. Try to employ as much understanding and empathy as possible when having these conversations, and make sure to listen carefully as your loved one expresses their wishes and concerns.

**Empower your loved ones as the decision-maker:** Provide your parent or loved one with options and information so they are empowered to make well-informed decisions. Sometimes this isn't possible, but encouraging input even with small decisions can be helpful and provide them the autonomy and independence we all want and deserve.

**Be transparent:** Conclude the conversation with clear next-steps so you can confirm that everyone is on the same page. Providing clarity to your loved one on next steps can ensure that they feel secure in the choices and decisions you make together.

## **DID YOU KNOW:**

Just 46% of Americans have made provisions for how their money and estate should be handled.

## **CONCLUSION**

Getting older is a wonderful gift that provides many of life's greatest milestones, but planning for that future for you and your family can be a daunting task; however, a necessary one. According to the AARP, more than half of people over 65 today will need long-term care at some point. The sooner we begin making those plans and discussing them with our loved ones, the less stressful it has to be and the more autonomy we'll have in making decisions for our future selves.

We hope this guide helps you as you navigate planning for the future and facilitates productive conversations with your loved ones about your wishes and theirs. But don't feel like you need to go it alone. We encourage you to reach out to a local elder law attorney who can help you navigate this complex process including helping you carefully construct estate plans that will help protect an individual's health, welfare, security, and assets.

### **How to Find an Elder Law Attorney and Other Resources:**

#### **Elder Law Section of The Florida Bar**

<https://eldersection.org/>

#### **The Academy of Florida Elder Law Attorneys (AFELA)**

<https://afela.org/>

#### **Florida Department of Elder Affairs**

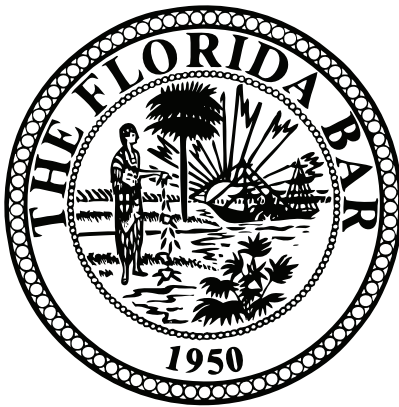
<https://elderaffairs.org/>

#### **Agency for Persons With Disabilities**

<https://apd.myflorida.com/>

#### **The Florida Bar - Pro Bono Resources**

<https://www.floridabar.org/public/probono/>



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