

Life Conversations with Your Adult Children

How to share your plans about aging

■ WORKBOOK



WHY TALK

How much do your children know about your wishes for your golden years, end of life and beyond? If you're like most of us, they likely don't know that much. At least not yet.

And you're not alone. According to The Conversation Project, 90% of people believe it's important to talk to their loved ones about end-of-life wishes. Yet only 27% have had a conversation about it.¹

Important Conversations Aren't Always Easy

So why aren't we talking more? You may think discussing your mortality will be hard for your kids to hear. You certainly don't want to burden your children or make them uncomfortable or sad. Or you may be afraid your kids won't want to talk about it — or be upset you're even bringing it up.



Some of the topics, like medical, legal and financial information, can be hard to discuss. These are sensitive, personal details about your life that you may not have shared with your children, and it may be difficult to do so now. Although they are adults, they're still kids in your eyes, and many parents are still very protective of their children.

You may be concerned that your children will oppose some of your decisions or be hurt by them. Or you may be afraid that sharing your wishes will disrupt the family.

One of the biggest roadblocks you may be facing is that you may not really know what your wishes are. Or you know some but

haven't considered others. Facing your own mortality can bring up a lot of emotions for you — and for your spouse too, if you're married. Both of you may not be on the same page or have differing wishes.

And then there's not knowing how to have the conversation. How do you bring up the subject? What should you discuss? And what information do your kids need to know?

Why Talking Is Important

As difficult as it may be to consider broaching this topic with your children, it's one of the most important conversations you'll ever have with them for so many reasons. First and foremost,

When your children know what your wishes are, it makes it much easier down the road.

Easing their burden

In our law practice, we frequently work with clients whose aging parent is either in medical crisis or suddenly passes away. If mom and dad haven't talked about their wishes, their children often find it terribly difficult to make the necessary medical, legal and financial decisions. It's also common for children to grapple with guilt in these situations, wondering if they're doing the right thing, which makes coping with the crisis at hand or their grief that much more painful.

Peace of mind

When you share your wishes, you are in greater control of your future destiny. Want to ensure you're cremated? Have strong feelings about life support? Want to gift sentimental items like Aunt Judith's pie plate? Once you've communicated your wishes, you can rest easier, because, when your children know your wishes, they can help ensure that they're followed.

Family unity

Consider what happens if you don't talk to your kids, and they disagree with each other about what should be done for you or in your honor. The stress can pull families apart when what they most need is each other.

Communicating your wishes helps everyone get on the same page, creating the chance for greater harmony. If crisis strikes, they'll know what to do — versus trying to figure it all out during an emergency and possibly making decisions that don't align with your wishes.



Gaining clarity

As you plan to discuss your wishes with your children, it gives you the opportunity to think about all the things you want for yourself in the future. You can use this guide to help make your decisions, so you can effectively communicate them to your kids.

Your legacy

One of the greatest gifts that can come from talking to your kids is you have the opportunity to share more insight about yourself, which can deepen your relationships. And, when you are communicating what's important to you, your children can pass on your values and your love as a legacy to their children and future generations. This can be a great source of comfort to them and to you.



A daughter's thoughts...

Mom and I have always been very close. We discussed many things over the years, but we never talked about her and dad's wishes should they have a health care crisis. When dad had a severe stroke last year, mom was lost. She didn't understand their finances and had no idea what dad's medical wishes were. I just assumed that they had talked about these things and had a plan. Sorting through the many decisions that had to be made was very stressful. I wish we had talked while dad was still healthy.

How Urgent Is This?

It's best to start talking as soon as you're ready. The sooner you begin the dialog, the more information everyone will have to help lay the groundwork for your future plans. Also, it's often easier on everyone to have a conversation when end-of-life feels more theoretical and removed from the here and now.

Sooner is better

By having the conversation now, your children have time to understand your wishes and help put your plan in place. For example, if you want to age in place, they can help research care options, find medical resources, seek financial and legal advice or whatever else is needed to carry out your wishes.

It's OK to break it up

Also, don't be surprised if "the conversation" becomes a series of discussions. Your children may have questions that you don't have answers to. Your family may need to seek out more information to help make decisions. And,

because the overall topic is emotionally heavy, it may be easier to plan on a series of talks rather than one marathon conversation where you try to cover everything at once.

GETTING READY

Who should be there

As with most important life conversations, this one is best done in person. Ideally, all appropriate family members can participate in some way. Given each family is unique, we'll leave the guest list up to you.

Sometimes, particularly in larger families, it may be overwhelming to have everyone in the conversation at once. Perhaps you choose to gather your children for the conversation, letting them fill in significant others and other loved ones. Or maybe you want to have everyone in the room hearing the same message directly from you at the same time. Only you know what's best for your unique situation.

When to talk

While it's probably not a Thanksgiving dinner conversation, holidays and other occasions are often the best time logistically to get all important parties in the room. If everyone lives locally, you have the advantage of being able to pick a time that doesn't center around a celebration like a wedding or graduation. No matter when you gather, try to pick a time when there will likely be few distractions.

And it's best to give your family a heads-up that you want to talk to them. This isn't the type of conversation that lends itself to being off-the-cuff. If you let your children know ahead of time, they may be more receptive to having the discussion.

Where to have the conversation

It's a good idea to have the discussion where everyone would be most comfortable. This could be around the kitchen table. Or it could be another spot such as a favorite park, while taking a walk, a quiet café or even in a space with the support of a trusted mental health professional, attorney or clergy member.



A word from parents...

I had been trying to talk to my kids about my finances for quite some time, but the subject seemed to make them uncomfortable. After my husband passed away, I knew we had to sit down as a family and talk about everything. I saw what my brother's family went through when he died. The kids actually stopped talking to each other. I want to make sure this doesn't happen to my family.

How to get started

How do you broach the topic? Sometimes it's helpful to use an event in the media or your personal life. Here are a few ideas:

"I heard on the news that when Prince died, he had no legal Will, and they're saying his estate is a nightmare. This got me thinking that you and your brothers/sisters don't know much about my/our plans for the future. I think it would be a good idea for us to talk about it."

"My neighbor's father recently had a stroke that incapacitated him. She's been talking about struggling with making decisions, because she doesn't know much about her father's wishes. It made me realize I haven't said that much about what I would want. I was thinking it would be a good idea to talk about it. What do you think?"

"Dad and I met with our attorney recently to update our Estate Plan, Living Will and Health Care Proxy. It made me think that we should be sharing some of this information with you. Does that sound like a good idea to you?"

"I was so happy to have your help last year when I broke my hip. But it got me thinking about what if it had been something more serious, and I wasn't able to make my own medical decisions. I'd really like to talk to you about my wishes, so you'll have the information you need if there's ever an emergency."



What if your children approach you?

Your kids may reach out first to ask about your wishes. If they do, consider this a wonderful gift. Give them credit for initiating the conversation, because this is tough stuff to talk about. Take a deep breath and answer their questions openly and honestly, giving them what they need to help carry out your wishes.

Your wishes are uniquely yours

No matter how you choose to start the conversation, make sure to let your children know you're telling them your wishes — not asking for permission or acceptance. It's OK if your decisions are different from what your children would choose for you or for themselves. Each of us is entitled to our own end-of-life wishes.

THE CONVERSATION

You've decided to start the dialog. So what do you need to communicate to your kids? There are five major areas you'll want to cover:





Living wishes

One of the most important things you'll want to talk about is how you would like to live as you age and near the end of your life. When your kids know what you want, they can be your ally, helping you gather resources to support your wishes.

What to talk about

1. Where you envision living if you can no longer take care of yourself at home _____

2. Whether you want to age in place with in-home support, consider assisted living or live with children or family members _____

3. How you plan to cover these costs _____

4. Any steps you've taken to legally protect your assets as part of your planning _____

✓ What to share

- ___ Long term care insurance policy
- ___ Any legal documents related to protecting assets such as trusts
- ___ Account and login information for computers, social media, email and other online accounts

Notes:



Health wishes

Each of us wants to ideally live a long, healthy life. Do your kids have basic details about your health so they can help as needed? Do they know your values when it comes to health-related decisions? Your family can also be a valuable resource for helping you manage your medical care as you age.

What to talk about

1. If you have a Health Care Proxy and who is named in it

2. A snapshot of your overall health _____

3. Any medicines you're taking and what they're for _____

4. What you would want to know about your care and prognosis if you ever become terminally ill _____

A Health Care Proxy is a person you choose to make medical decisions if you are unable to make them yourself.

✓ What to share

- A copy of the Health Care Proxy documents
- A list of doctors who you currently see (PCP and specialists)
- Medicaid/Medicare information
- Health insurance policies

Notes:



Financial wishes

Financial questions will vary widely depending on each family's situation. While it may not make sense to provide access to all your financial information right now, it will ease your children's minds to know you have done some planning and have comprehensive lists and records.

What to talk about

1. Whether you have a financial plan or someone advising you on financial matters

2. How things are financially overall and how confident you are about having enough money over your lifetime _____

3. Any emergency funds you've set aside to handle any unforeseen expenses _____

4. Whether you have life insurance, and, if so, your beneficiary designations

5. Whether you expect any estate taxes to be due upon your passing

6. Whether you have a Durable Power of Attorney, who you've designated, what power this person has and when it becomes effective

A Durable Power of Attorney is a legal document that names a person to handle your financial matters should you become incapacitated.

✓ What to share

- ___ A copy of the Durable Power of Attorney
- ___ A list of financial contacts, including accountant, financial planner, etc.
- ___ Account information, passwords, location of safety deposit boxes and keys
- ___ Whereabouts of hidden cash or how to get access to a safe (if applicable)
- ___ Titles to house and car, property deeds and any loan documents
- ___ Tax records and other financial paperwork (savings bonds, bank accounts, etc.)
- ___ Insurance policies
- ___ Providers and account numbers for monthly bills (mortgage, homeowners, credit cards, utilities, etc.)



Dying wishes

Perhaps one of the hardest topics to talk about, you'll also want to share your specific wishes for the end of your life.

What to talk about

1. Whether you have a Living Will, where it's located and when it was last updated _____

2. If you live in Massachusetts and are critically ill, whether you have a MOLST _____

3. Whether you're an organ donor _____
4. What life support measures you would want and not want taken _____

5. Any thoughts about your funeral/memorial service

6. If you wish to be buried or cremated _____
7. Where you would like to be buried and whether you have a cemetery plot or what your wishes are for your ashes _____

A Living Will outlines wishes for end-of-life care. Unlike a Health Care Proxy, where a person is designated to make medical decisions if you can't make them yourself, a Living Will is a legal document that specifically spells out many of your wishes in writing.

A MOLST is a Massachusetts medical order form (like a prescription) that relays instructions between health care professionals about a patient's decisions for life-sustaining treatment. It's intended for those facing serious, advanced illness, and, unlike a Living Will or Health Care Proxy which are activated when a patient is incapacitated, a MOLST is effective as soon as it is signed.

✓ What to share

- ___ Copy of the Living Will
- ___ Copy of MOLST (if applicable)
- ___ Lists of friends and family (TIP: You may want to start with an address book or holiday card list.)
- ___ Organ donor documentation
- ___ Priest, rabbi or clergy information
- ___ Insurance agent names and contact information
- ___ Prepaid funeral contracts



After wishes

You may have some thoughts about your wishes. You may have designated beneficiaries and/or have a Will. Now is the time to find it and check how current it is.

What to talk about

1. Whether you have a Will or Living Trust, who prepared it, when it was last updated and where it's physically located _____

2. Who the personal representative (formerly called an executor or executrix) of your estate is _____
3. Your beneficiaries on insurance, annuities and other assets

4. Any details you'd like to share about how your assets will be divided _____

5. Any plans you have for charitable giving _____

6. A list detailing how personal items should be divided _____

7. Anything you need to convey about the value of assets (jewelry, artwork, collections, etc.) _____

8. Whether there's enough cash available to deal with foreseeable expenses and if there's enough money to cover any taxes on your estate _____

✓ What to share

- ___ Copies of Will and Living Trust
- ___ Contact information for attorney(s)
- ___ Life insurance policies

Your End-of-Life Documents

When it comes to estate planning, a common response is I don't have enough assets for a Will. Or my spouse gets everything, so I don't need a Will. These are common misconceptions. Everyone needs a Will. Without it, there are potentially all types of complications and negative consequences. Your spouse may not inherit everything without a Will. Family members can argue about who will be in control of or is entitled to your assets.

Keeping an Estate Plan up-to-date is critical. Three common factors that impact Estate Plans are changes in the law (and there were major ones a few years ago), changes in your financial situations and changes in what's important to you and the legacy you would like to leave since your Will was created. You'll want to have your Estate Plans reviewed every few years to ensure they still accurately reflect your wishes, needs and goals.



Should you consider a Trust?

Everyone should have a Will, but should you also consider a Trust? A Trust is a legal document that names and authorizes a "Trustee" to hold title to and manage your assets. Usually, you name yourself as the first Trustee, allowing you to keep control of your assets during your life. You will then name a secondary Trustee to take over the Trust upon your death or should you become incompetent or incapacitated. Most people appoint one of their children for this role.

Unlike a Will, assets in a Trust will often pass to your beneficiaries quicker. In some states, like Massachusetts, the probate process can be lengthy and expensive. Transferring assets to a Trust while you are alive can save months of administration time and thousands in legal fees. The probate process is also a public one, meaning anyone can look up the contents of your Will and asset holdings at the time of your death. Trusts are more private, and their contents are usually not made public.

Tax benefits

Often people think that a Trust is only for the rich, those with sizeable estates. However, a properly written Trust may help to reduce the estate's exposure to estate tax liability, which is levied here in Massachusetts on estates worth more than \$1 million. Owning real estate alone can add significant value to an estate.

When estates are complicated

There are other benefits to having a Trust besides easing the burden of administration and saving on the cost of probate. Do you own a business? Have significant real estate holdings in Massachusetts or real estate in multiple states? Want your estate distributed in specific ways? Worried about family discourse at the time of your death? For any of these reasons — and a host of others — you may want to consider a Trust. Your estate-planning attorney can help you determine if a Trust makes sense for you and help establish one, if needed.

OTHER TIPS

Not all families are alike. Much of this document is written with traditional families in mind where mom and dad are married with children. There are many exceptions to this. Here are a few things to consider if there are special situations involved.

Blended families

If you are remarried, it's even more important for you to express your choices clearly so there isn't disagreement between families.

What to talk about

1. If there are any prenuptial agreements
2. How assets will be divided
3. Who should be in control of legal, financial and medical decisions

Special needs families

When there's a family member with significant special needs, it's important to determine how these needs will be met if you aren't able to care for the child.

What to talk about

1. Whether a Special Needs Trust has been created
2. How it will be funded
3. Whether you've designated a secondary guardian for the individual

When you're not married

If you and your significant other are not married, it becomes even more important to have appropriate legal documents in place. Even individuals in a long-term relationship cannot presume they will be able to make decisions for one another. Additionally, upon the death of one of you, the survivor will not have any right to inherit assets that are not jointly held and may lack legal standing to contest any proceedings that may occur.



A son's story...

Before my mother became sick, I wasn't very involved with her day-to-day needs. But after her stroke, my sister decided that she could no longer help my mom, and I needed to step in to handle both paying bills and making decisions about her healthcare. When she had a second stroke, I had to make decisions about whether to allow her to be resuscitated and whether a ventilator could be used. We never talked about these things, and I had to make a lot of tough decisions right up to the time of her death. I still feel pangs of guilt — not knowing whether I really handled things the way she would have wanted me to.

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How to share your plans about aging

It's never easy to talk about uncomfortable topics. And few things are more difficult to discuss than death or dying, particularly with those closest to us. But after speaking with your children, you'll have the comfort of knowing that you've lessened their burden by giving them a road map to follow. And you'll have peace of mind knowing your loved ones have the inside track on your wants and desires, so they can now honor your important wishes for the future.

About Generations Law Group

Generations Law Group advises families across multiple generations. Located in MetroWest Boston with offices in Acton and Sudbury, we offer tailored law services in elder law, estate planning and probate, while compassionately listening and responding to your unique needs. You'll rest easy knowing your family and values are well protected.



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