

## Elders & Bad Actors

by Rick Harmon

When health required my temporary retirement in 2009 I was blessed by a heap of friends, relatives and people who made for darn sure I did not have anything to worry about in order to focus on post-surgery and stroke recovery.

This season, callers are revealing some of what has actually been hidden during the pandemic with their loved ones.

Sadly, the Holidays can hide an unsavory mix of “front stage” kindness and hidden “back stage” behavior by those who have daily contact with senior homeowners.

Here’s why...

When required to put on a good show for other family members at gatherings, the primary caregivers may be doing a great job of keeping an orderly house and include duties such as paying the bills.

Siblings are often relieved to know a sister or brother (or housekeeper-turned-caregiver) is willing to do the job, perhaps in exchange for reduced or free rent or similar arrangement.

Holidays can reveal both the best in humanity and add stress

Statistics provide a sober look at deaths, which are highest in the months of December, January and February when the impact of holiday stress, influenza and weather is at its zenith.

I often hear people erroneously refer to the person who cares for an aging senior as a caretaker.

A Nurturing care-GIVER takes care of Mom (or Dad)

People often begin with well-meaning intentions. They listen to countless retelling of the same questions and are exceptionally patient.

And then, they decide they should be greatly compensated for their virtuous action ... Sometimes quite a bit more!

Many of the bad actor’s misdeeds are done in full view of and even with the elder’s participation (for fear of some sort). And this is when the abhorrent child (or hired caregiver) gives themselves a raise, either by getting control of the senior’s checkbook, ATM card or worse, title to the house.

Undue influence that may not be discovered by other for months or years. Forensic accounting is difficult and may not reveal the true offender as an adult child with an expensive outside issue that must be

Whether by misappropriation, petty larceny or outright fraud, we’ve witnessed undue influence on elders by their children, domestic help and even licensed professionals. Read that last part again!

I’m strongly in favor of attorneys being proactive and vigilant where seniors are may be vulnerable to poor healthcare, physical or financial abuse.

*“You know you’re getting old when everything in your life either dries up or leaks.”*

Holiday seasons are also a time to be on the lookout for irregularities.

When attorneys refer their conservator clients for fiduciary mortgages, I recommend financial plans that extend no more than (24) months.

Situations can change rapidly.

Borrow enough to pay existing and ongoing bills, including taxes, insurance and service the debt from any of conservatee’s income deficit.

Allow ample time to get the petition approved and certified court order returned (reminding your conservator client there are no shortcuts

Court Conservatorships have their detractors who may whine about the awkwardness an inefficiency however

Caring for a needy elder can require an exceptional amount of patience and professional assistance should be considered.

Protect their home’s equity by limiting who has authority to access it and praise the professional fiduciaries who guard it and are careful to borrow for essential caregiving.

*Rick*



Rick Harmon

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Here's a useful tip:

Ask your clients to use **back-of-the-napkin** simplicity to diagram their intentions.

Most good plans are fairly simple and straightforward.

We've watched a great many people make decisions based on a "new normal," only to regret that they sold and moved out of the neighborhood they were familiar with.

As the economy chills down, you will clearly benefit from your relationships with industry insiders and external boots-on-the-ground professionals such as title reps and real estate agents.

The Holidays are magical during most times however they do make it more difficult for court proceedings and earned staff vacations.

I hope that you're able to take some well-deserved time to rest this Holiday, at least during the week between Christmas and New Year's Day.

While we won't be working full days I'll make every effort return your call during those days as I'm well aware how stressed your problem clients may require your assistance.

Overall, this has been a good year both personally and professionally. However, it'll still be glad to have it behind us.

***Merry Christmas, Happy Chanukah and a very prosperous New Year to you and your family!***

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