

InComplete THOUGHTS

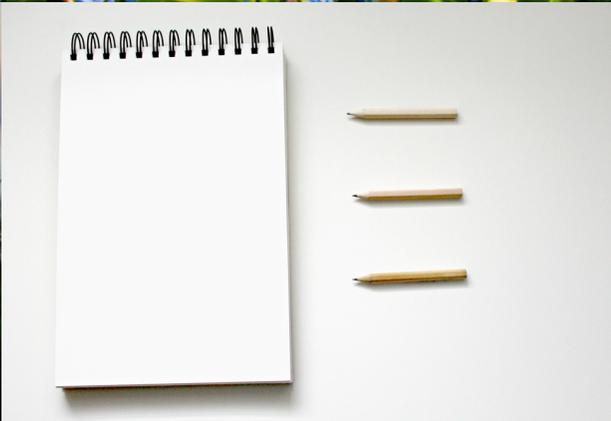
A Newsletter
*about life, death,
and things
in between...*



May 2023

Inside the Issue

Vol 2



IN CONTEMPLATION

The staff at Complete Estate & Probate Law contribute and discuss what's on their mind..

THINGS TO KNOW

We share updated information about estate planning, and things in the news that might affect or interest you.

RECOMMENDATIONS

What we're reading, watching, cooking, celebrating or otherwise doing outside of work.

Also included: Legacy Corner

IN CONTEMPLATION...

by Anne-Linton Pond Hendrickson

My dad died in 2010 from colon cancer. He was 68. My mom died in 2021, she was 78. I count my blessings every day that my siblings and I had our parents as long as we, did but I wish that we had them longer. I wish my dad met my son. My parents died so young. Not a day goes by that I don't miss them and grieve for them. Grief never goes away – it is like an ocean, sometimes calm, sometimes turbulent, and sometimes, out of nowhere, hits like a tsunami.





THINGS TO KNOW

by Anne-Linton Pond Hendrickson

Durable Power of Attorney vs. Guardianship

We often receive phone calls regarding setting up a guardianship and conservatorship for their loved one struggling with incapacity. We ask callers whether their loved one has a durable power of attorney for healthcare and/or financial decisions ("DPOA") appointing someone to make decisions for them. If their loved one has a DPOA, then a guardianship or conservatorship ("G&C") may not be necessary, which will save considerable time and money. One needs a G&C under limited circumstances. We want to help clients avoid this because once the court is involved, it will remain involved until either death or the person is no longer incapacitated.

A DPOA is a legal document that allows a person to appoint someone else, known as an "agent" or "attorney-in-fact," to make decisions on their behalf if they become incapacitated. This can include decisions about their finances, medical care, and other important matters. The document remains in effect even if they become incapacitated, hence the term "durable." These are routinely done as part of most estate plans.

Let's say a parent appoints their adult child as their agent through a DPOA. If the parent becomes incapacitated, their child would be able to access their bank accounts, pay their bills, and make medical decisions on their behalf; but must do so in the parent's best interests.

If a parent becomes incapacitated and does not have a DPOA in place, family members may have to go through the court process of G&C. This will involve hiring an attorney, attending court hearings, serving papers, and providing testimony and evidence of the incapacity. The court may then appoint someone to act as the parent's guardian, who would have the authority to make decisions on their behalf regarding their personal care, such as where you live and who they can see, and conservator, who would have the authority to manage your finances. The process is time-consuming, expensive, and can often result in the court appointing someone that incapacitated person may not have chosen.

Generally, having a DPOA can be a less complicated and less expensive way to ensure that loved ones and their assets are secure if they become incapacitated.

CAVEAT: Be sure and ask your bank if they accept DPOA's. There is a local bank that has a blanket policy that they will not accept DPOA's, which means that, if you have an account there and then become incapacitated, your attorney in fact will be forced to open a conservatorship to secure the funds. If they don't accept a DPOA, you should not have any accounts with that bank. If you have accounts there, you should move them immediately to a bank that will acknowledge and comply with your wishes and Missouri law.

RECOMMENDATIONS

By Rachel Jewett

Mother's Day

Recently, I've switched from giving tangible gifts to giving the gift of time to my family. I purchase tickets to an event so we can make memories together, one on one. Here are some ideas of fun activities you might consider for Mother's Day for the mothers in your life.

Pottery Classes – Several local studios offer wheel classes (think way less romantic than Ghost). Once a week for four weeks, you join other newbies to learn the basics of throwing, and with any luck you'll probably create some sort of round container to take home, probably a bit better than the ashtray you made for your father for Father's Day in 1985. This includes all materials, use of glazes and lots of laughter. Some studios also offer hand building classes which are one time classes. Check out: KC Clay Guild, Ceramic Care, Inc, Paint Glaze & Fire, Belger Arts Center and Driftwood Ceramics (Northland).

City Market Farmer's Market – Plan to get there early to enjoy some breakfast before browsing. There is always lots to see. In addition to the Farmer's Market there are several stores. My favorite is the KC Soda Company which has everything from classics like Dad's Root Beer to the crazy, ZOTZ Flavored Soda (big fan honestly). There is something for the whole group to enjoy.

National WWI Museum & Memorial – As a lover of history, I recommend this to everyone. They have rotating exhibits about different aspects of WWI in addition to their excellent main exhibit. They provide wheelchairs and stools for those with mobility issues. The staff is always fun and engaging.

Shopping – When in doubt, I take my mother to a bookstore and buy her a couple books. Reading is one of her favorite activities and something we both share. It allows us to discuss the things we're reading and recommend authors. I usually pair this with the more traditional mom outing: breakfast or lunch.

Shows – Kansas City and the surrounding areas have a lot to offer in live shows. Kansas City Music Hall offers a variety of Broadway shows each year and the same is true for the Kansas City Symphony. Let's not forget about the Starlight Theatre! Plan a little date night with mom to enjoy some good food and entertainment.

I hope that I've inspired you to think outside the box when planning a Mother's Day gift. We only have so many years left with them and eventually it's the memories we'll treasure the most.



IN CONTEMPLATION...

continued

My relationship with my parents changed as we all aged, had they lived longer, it would continue to change. After my dad died, my mother, who was very independent, mentioned that she was planning on moving into assisted living by age 75. This didn't happen, but having that conversation about short-term and long-term options, and other similar conversations, were both necessary and hard. As our parents' age, it feels like a battle between independence and safety, and who gets to determine what independence and safety mean, and who gets to prioritize between the two.

It's difficult to plan for your aging parent if you do not know their plan, or even if they have a plan. Discussing the plan can be difficult, but can be addressed in a multitude of ways. You can schedule a meeting to discuss the plan or have a series of small conversations that fill in different areas of what you need to know. Look for openings (someone has been hospitalized, a premature death, something in the news, comment made by parent) and go from there. Having this conversation (or conversations) is important and should be done as early as possible. This is one of the best things you can do – for your parent and yourself.

Questions to consider:

- What do they want? Is what they want possible considering their health and assets?
- Who needs to be a part of the team?
- Is there estate planning in place? Trusts, Will, Advanced Directives, DPOAs
- What are the assets? Debts? Income?
- Is there any long-term care insurance?
- Where are the important documents kept?
- Are there any plans for memorial services?
- Is there a safe deposit box? If so, where are the keys and who has access to the box?
- Does your parent want to live independently? If so, are there any barriers to this and what are solutions to those barriers? If a move is needed, where does your parent want to live?

The more information you can gather from your parent, the more prepared you will be if it becomes necessary for you start making decisions with them and, eventually, for them. It lessens the difficulty in the continuing change in your relationship, as you take on a more active role in caring for your parents. We can help you and your parent with this difficult process.



Legacy Corner

Where we share our family traditions, recipes, and other ways, we are passing on our legacy...

My mother, Susan Pond, died at the end of January 2021. Mom was an excellent cook and one of her specialties was a tomato sauce (used primarily on burgers and steaks) that was sweet and spicy, tangy and delicious. Mom used to make this at the end of summer, when the tomatoes were best, and we would enjoy it for the rest of the year, until it was time to make some more. We always fought over the last jar and after my siblings and I moved out, we would always scour the pantry to take some with us on visits. Please enjoy!

Susan's Tomato Sauce

- 2 quarts fresh tomatoes, peeled and diced
- 2 Tbsp. salt
- 1 large onion, diced
- 2 Tbsp. dry mustard
- 2 Cups sugar
- 1 Tbsp. allspice
- 1 Tsp ground cloves
- 1 Tbsp. black pepper
- 1 Tsp nutmeg
- 1 Tbsp. celery salt
- ½ Tsp cayenne pepper
- 1 pint vinegar

Mix all together. Simmer to reduce to one-half. Pour hot into hot jars, wipe glass jar rim, top with sterilized lids and metal rims, flip upside down to cool. Makes 4 pints.

Tips from Susan: I sterilize jars in dishwasher...and lids and metal rims in a small frying pan with hot water. The texture changes if using canned tomatoes. The easiest way to peel tomatoes is to blanch them by quickly boiling them in hot water, which helps loosen the peel, and then shock them in an ice bath. The ice bath helps stop the cooking process and cools the tomatoes down so that they are easier to handle.

From the kitchen of Susan Pond, AKA Anne's mom.

Let us know if you try it!