



## NAVIGATING ELDER CARE IN BLENDED FAMILIES

As a trusts and estates attorney, I often work with families of divorce who are facing the challenges of aging parents. The divorce rate peaked in the U.S. between 1960 and 1980. Many people who divorced went on to remarry. They are now in their 80s and 90s, and some have an increasing need for assistance with the daily, medical, and financial aspects of their lives.

When a spouse in a second marriage loses the capacity to exercise good judgment, stepchildren can be thrust into difficult situations: What if one spouse needs care and the other refuses help? Or only one of them can move in with a child—who lives in another state? How do you bridge the financial disparities when one spouse's care becomes costly? These challenges are more complicated in blended families.

Good planning and early intervention establishing boundaries and clarifying roles can help families manage stress and solve problems. Here are some key issues to address:

1. For each spouse, who is named to serve as the agent under the Health Care Proxy? Is the Health Care Proxy in effect? Is it time to invoke the Health Care Proxy?
2. For each spouse, who is named to act as an agent called "attorney in fact" under a Power of Attorney? What powers and limitations do they have? Should they be compensated?
3. If different agents serve for each spouse, how and when must the agents coordinate with each other?
4. Which assets do you own jointly with your spouse? With children?
5. What are the expenses, sources of income, and assets?
6. Do you have a prenuptial or postnuptial agreement? Who inherits when one of you dies? When both of you are deceased? What are your children's expectations?
7. Are any of your children or grandchildren receiving financial assistance or being paid to assist you? Does your family know?
8. Are there potential conflicts of interest between you and your spouse or among the children?
9. Does your spouse pose an emotional or physical threat to you?
10. Do you all get along?

Answers to many of these questions are essential to delivering and financing proper care and protecting your privacy. If you wait until crisis strikes, you and your family can be vulnerable. For elders who still have the capacity to settle their own affairs, with legal guidance and thoughtful planning you can prepare your family to communicate with each other more effectively and create the right team of people to advocate for you.



**Seunghee Cha**

✉ [scha@bulkley.com](mailto:scha@bulkley.com)  
☎ 413-272-6205