Special Considerations In
Working With The Elderly Client

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A. Perspectives On Aging

1776: Every 50th American was 65 or older
1900: Every 25th American was 65 or older
1982: Every 9th American was 65 or older
2025: Every 5th American will be 65 or older

1. AARP has 43 million members—and Congress knows they vote. Some of the elderly either have or control substantial wealth in this country, although their economic position is much less secure than estate planners may often perceive. A home of substantial value with great equity does not pay for the utilities or put food on the table. Median income of an over-65 living alone was $5,134 in 1981, slightly higher for men; lower for women. Twenty-five percent had incomes over $10,000, only six percent had incomes greater than $20,000. In comparison, for those under 65, 70% had incomes exceeding $20,000. For most of the elderly, the golden years are not filled with gold.

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2. Nonetheless, the numbers of elderly or nearly-elderly who require estate planning services and/or estate management services is substantial. And they are increasing. And planning is becoming more important. Important because of the changing ratio of elderly to working-age persons (Social Security being a wealth transfer, these younger workers are supporting the older retirees):

1900:  7 elderly for every 100 who were 18-64
1982:  19 elderly for every 100 who were 18-64
2010:  22 elderly for every 100 who are 18-64
2050:  38 elderly for every 100 who are 18-64 (What will FICA be then?)

3. And here come the Boomers (1946 to 1964):

2005: The first Boomers turn 60
Number of Boomers: 78.2 Million
Number reaching 60 each day: 7,918
Number reaching 60 each hour: 330

B. Special Areas Of Law Affecting The Elderly

1. What are the special areas of the law that affect the elderly?

   a. Social Security—more than just receiving the check. Clients need to be aware of what will be available.

   b. Supplemental Security Income—affects those with diminished income, but more importantly, affects clients with disabled family members;

   c. Pensions/ERISA—Clearly part of the planning process;

   d. Medicare;

   e. Medicaid;

   f. Medigap—insurance coverage—what is needed to tie together a package of adequate protection?
g. General estate planning;

h. Spousal impoverishment—what happens to the assets of the well spouse when the nursing home bill for the other is $6,000 per month?

i. Estate planning for the disabled dependent;

j. Older Americans Act and the benefits available;

k. Guardianships/conservatorships and the right to refuse “help”;

l. Right to refuse medical care/right to die;

m. Powers of attorney—Durable powers;

n. Living wills;

o. Home equity conversion/reverse mortgages—questions to help persons reach their equity in their homes without having to move;

p. Nursing home issues; health care/life care contracts;

q. Grandparental visitation issues;

r. Retirement planning; and

s. Abuse, neglect, and exploitation.

2. Some are age specific—SSA, pensions. Some seem to apply more to the elderly—estate planning, living wills, Medicare.

C. Physical Issues

1. What are the special needs of the elderly (or disabled) (or elderly-disabled) client as a result of physical changes? (Of course, not all people with grey hair are hard of hearing or have poor eyesight. Not all will be ill. But some will be. The incidence of such disabilities is higher among the elderly. The elderly are six times more likely to be hearing impaired. That still means, however, that only one in five will be. Likewise, only nine percent have inadequate vision.) Many of the following suggestions for coping with the elderly and their physical limitations work well with any client!

a. Eliminate background noise, music, printers, copiers.
b. Provide appropriate furniture.

c. Make office accessible.

d. Let the client see your lips. Look at the client. Don’t have glare behind you.

e. Enunciate. Limit or explain legalese. Rephrase. Ask if the client understands.

f. Provide written information. Estate planners and banks are good at this.

g. Provide appropriate lighting.

i. For visually handicapped:

   (1) Double/triple-space or enlarge text.

   (2) Give client time to read—read aloud if necessary.

2. Other issues:

   a. Visits may need to be shorter.

   b. Consider home visits.

   c. Patience! Don’t finish client’s sentences. Lawyers always do!

D. Psychological Issues

1. Next, psychological issues need to be addressed. The 68-year-old widow clutching her purse concerned about her husband’s Alzheimer’s disease is very different from the 45-year-old client concerned with business matters. For many elderly, contacting a professional for advice, personal advice, is a significant event, carefully considered, done with great suspicion. The client will be doing a lot of assessing of the professional at the first visit or two.

2. The client will need to:

   a. Be reassured of the confidentiality of the relationship.

   b. Receive the complete attention of the professional. Eye contact. No interruptions.