

Right documents can protect elders

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YOUR FRONT-PAGE article "[Courts strip elders of their independence](#)" (Jan. 13), detailing accounts of possibly perfectly cogent people being incarcerated in nursing homes by court-appointed guardians, should be a wakeup call for all the elderly.

Everyone, particularly the elderly, should visit his or her lawyer and have prepared a healthcare proxy and a durable power of attorney. The former allows the person to select his or her own trusted relative or friend as a healthcare agent. Such an agent can make decisions on medical treatment and nursing home placement when it is determined that the person does not have the capacity to make such decisions - and, under the form we use, that authority ends when capacity is regained. The latter allows the person to appoint his or her own trusted relative, friend, or lawyer to manage financial affairs.

As a lawyer in practice for more than 40 years, I have handled many guardianships. But, with modern documents such as the healthcare proxy and durable power of attorney, the affairs of the elderly can be handled without probate court intervention.

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