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briefings

LAWYERS CONCERNED FOR LAWYERS, INC.

SPRING 2003

from the director...

DEALING WITH INTERGENERATIONAL DILEMMAS

Those of us who inhabit the "Sandwich Generation" must navigate an emotionally charged minefield. More and more lawyers, like others, are confronted with the challenge of taking care of teenage children and looking after aging parents while trying to find the time and energy to meet career demands and their own personal needs. In this issue of *briefings*, we provide practical, solution based information to help our readers more easily deal with their intergenerational dilemmas.

While reviewing the issue prior to final printing, I recognized a number of tried and true directives that bear repeating. The first that comes to mind is "**don't project, plan!**" Often, when faced with a disturbing situation, we instantly project disaster and before we know it, the problem is too big to handle. Planning removes that negative block and enables us to approach the problem in a more rational and ultimately more positive and satisfactory way.

"Ask for help." Reach out to the experts and make use of their

legal, financial and health care expertise. The resources available are extensive and comprehensive. As we know from experience, a problem shared is a problem halved. And set boundaries so that taking care of older and younger family members does not mean forsaking attention to your own time, household rules and feelings.

Finally, as you face these daunting circumstances and make crucial, if sometimes unpopular, decisions, "**feel the fear and do it anyway.**"

The complexities and obligations of multi-generation living require all our creativity, patience and perseverance. Please remember that our staff is available to provide confidential support and resources so that you can carry on both your workplace and family responsibilities.

At some point, most of us will find ourselves on one end or the other of a care giving scenario. We hope that the information in this newsletter will help you feel more confident and better prepared for the challenge.

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CONQUER SANDWICH STRESS WITH PRE-EMPTIVE PLANNING

by Nancy Brown, LICSW

Although the amount of information on the web may at first seem overwhelming, it soon feels empowering.

The term "Sandwich Generation" aptly describes those caught in the middle between what their children want and need, what they themselves want and need, and what their aging parents want and need. This is a sure formula for stress!

For lawyers in this situation, it can be even tougher, since many are more comfortable in an atmosphere of order and control, and may feel more competent solving other people's difficulties than dealing with their own. But as a family changes, new problems arise that may require emotionally difficult decision-making.

Most of us are acquainted with the appeal of procrastination and avoidance when faced with intimidating tasks. When the issue is one's parents' future health crises and death, it becomes all too easy to avoid or postpone the necessary planning. After all, too many other things compete for your time and attention, and for the moment, your parents may be healthy and have more energy than you!

Regardless of how it is rationalized, procrastination is often rooted in fear:

- Fear of parents' reaction;
- Fear of facing the inevitable loss of one's parents;
- Fear of thinking about your own retirement and mortality;
- Fear of misjudged motives;
- Fear of disputes with other family members;
- Fear that talking about illness or death will make it so.

But succumbing to fear and procrastination may create far more stress at a time of crisis than when things are "normal." Conversely, acquiring reliable information about public and private health care resources and making financial plans in advance allow you to know your options when you face sudden or gradual changes in your parents' health.

Vast amounts of information are available. We began with an excellent manual prepared by the Senior Resource Center, Inc. entitled Elder Care Resource Guide, then went to their website, www.HelpingElders.com which is linked to many other sources. Although the amount of information on the web may at first seem overwhelming, it soon feels empowering.

Financial and legal preparedness also feels empowering. It means having the proper legal documents in place before a crisis occurs. According to Attorney Anthony Falco, CEO and Chief Legal Counsel of the Senior Resource Center (and an LCL member), the major areas of financial concern for families are: Probate Avoidance and Long Term Care Guidance and Costs. Most lawyers know that the relevant documents may include:

- Health Care Proxy
- Durable Power of Attorney
- Last Will and Testament
- Deed(s) with Retained Life Estate(s)
- Any of a variety of Trusts (depending on the goals and needs of the donor)

Because discussion of these matters may evoke a myriad of feelings (e.g., fear, sadness, anxiety, doubt, irritability), an objective and knowledgeable third party could prove very helpful in guiding you through the process. Whether you seek specialized professional assistance in the planning process or go it alone, a sense of peace and deeper intimacy with involved family members may be the rewards for having faced, discussed and decided upon such important matters.

Solutions...

Even when advance planning has been accomplished, tensions can abound for families in which the needs of the 3 generations collide, especially, but not exclusively, when all occupy the same household. When what you expected to be an "empty nest" becomes instead a "cluttered nest" of not yet independent children and no longer independent parents, you are in the thick of the Sandwich Generation.

An excellent article by Lingren and Decker* elaborates on the demands, stresses and unique challenges confronting this group. It includes very useful suggestions for how a family might respond creatively to the complexities of multi-generation living. Here are some of their solutions, applicable, in our opinion, to any household:

- **Clarify house rules** and expect all to abide by the middle-generation's values while they are under that roof. Include responsibilities, space arrangements, expectations of quietness, transportation, etc.
- **Have a weekly family meeting** in order to keep communication open, address conflicts, make decisions, etc. Insist that all attend, use humor, and if necessary, obtain professional family counseling.
- **Prepare a long-range financial plan**, specify a budget, keep detailed records, clarify who is financially responsible for what (for resource allocation and tax purposes).
- **Use available community programs and services**, such as home-care (with caution), elder day care, the local senior center, elder transportation, etc., to increase social contact for the elder, an important factor in health maintenance.
- **Cut the apron strings** by agreeing on a target date for departure of young adults. For grown children to act like adults, steps must be taken or the dependency can drag on indefinitely. Even if the departure date changes, such an agreement establishes an expectation and an opportunity to discuss it.
- **Respect one another's privacy and independence.** All generations need to have their own lives, personal boundaries, and personal space. Conflict is a part of family life, but everyone needs to help keep home life manageable. Monitoring and interpreting behavior may be necessary at times, e.g., when children's and grandparents' values are incompatible and create tension.
- **Take care of your own family**, your marriage, and yourself. You do a great disservice to yourself and your relationships if you're too stressed or burned out.
 - ◆ **Make caring for your parent a responsibility for the whole family.** Involve other siblings, nieces and nephews, aunts or uncles.
 - ◆ **Make everyone aware of certain problems** (e.g., dementia-related behaviors) and your need for others' help.

Because discussion of these matters may evoke a myriad of feelings, an objective and knowledgeable third party could prove very helpful in guiding you through the process.

Conquer Sandwich Stress with Pre-emptive Planning (continued)

- ◆ **Discuss expectations** in advance, e.g., will the parent have his/her own room and phone? Will providing care require leave from work? What will others be expected to do?
- ◆ **Take time for self-renewal.** You cannot put your life completely on hold. Highly stressed individuals are less effective and efficient.
- ◆ **Take time for your personal life.** Go out once a week with your spouse or friends. Do something you enjoy. Don't let yourself become a victim of the pressures of a multi-generation household.

If the stress becomes unmanageable, the services of a competent intergenerational family therapist should be considered. As Lingren and Decker write, "This can be the best of times, or the worst of times for family members. Each person helps determine which outcome the family experiences." When Massachusetts lawyers and their families need assistance with finding the appropriate resources, LCL can help.

**The Sandwich Generation: A Cluttered Nest, Herbert Lingren and Jayne Decker, University of Nebraska Cooperative Extension, Publication G92-1117-A. (www.ianr.unl.edu/pubs/family/g1117.htm)*

Lawyers who call or meet with our clinical staff present with a wide range of concerns for which they sometimes express a wish to speak with peers who have dealt with the same problem.

WE NEED YOUR EMAIL ADDRESS

The heritage and spirit of LCL is in the concern and help that lawyers have to offer their professional brothers and sisters. For years, many of you have made yourselves available as contacts to attorneys seeking recovery from alcohol and drug addiction. Lawyers who call or meet with our clinical staff present with a wide range of concerns for which they sometimes express a wish to speak with peers who have dealt with the same problem (e.g., attention deficit, compulsive behaviors, bankruptcy, mood or anxiety disorders). The purpose of such contact is not for legal advice (a type of referral that LCL does not provide), but for support on a human level.

The easiest way for us to quickly reach a large number of members with such a request is by email. When a reasonable request for support is made, we will send an email to all members (using the Blind Carbon Copy feature, to keep your email address private), who may respond only if they have the time and interest to offer help in the particular case.

Please send us an email NOW, at email@LCLMA.org, indicating in the Subject line or body that you are willing to be contacted by LCL via email.

An interview with...

RITA EVANS, RN-CASE MANAGER

by Jeffrey Fortgang, Ph.D., CAS

Rita Evans comes to the field of elder care after a previous career as an emergency room and intensive care nurse at hospitals including Brigham & Women's and San Francisco General. Now on the staff of Senior Resource Center, Inc. in Quincy, she consults to and advocates for families and their loved ones needing long-term care.

Q. You are constantly meeting "sandwich generation" people - how well do most of them cope with the need to find ways to care for their parents alongside the pressure of parenting and work (not to mention their own personal needs)?

A. According to an AARP study, 44% of Americans age 45 to 55 have aging parents as well as kids under 21. While that study suggested that the majority of these dual care-givers are content, our own experience (perhaps because we often see people in crisis) shows great variations in how well people can cope.

Q. What kinds of struggles have you observed?

A. One common problem crops up when the adult children are trying to do the right thing, such as arrange assisted living for their parents, yet the parents refuse to go along with it. Sometimes they have been providing a tremendous amount of care to their parents but trying not to make it seem that way, and the parents may say, "Oh, we're fine... we don't need that [disruption of changing home settings]." When the adult children bring their parents in to meet with us, the family dynamics and conflicts can be amazing, and

sometimes we see a level of dysfunction that is quite sad. Seniors will understandably resist someone else making their decisions for them, while their children may feel exasperated as they push for a plan that makes sense and provides a greater level of support and safety. We view the elders as our clients, and whenever possible, we want to meet with both generations at the same time, get to know the family, and review the full range of options that may help them. Often, children and parents are both in denial, and I will tell them, "I don't think you realize how much care will be needed." The options may include home health care, companion care (help with trash, laundry, transportation, etc.), as well as nursing homes and (for those can that afford it) assisted living. All of these can bring financial concerns and burdens.

Q. It sounds as if people need to be both educated and reassured.

A. Yes, because they are suddenly faced with a dramatically different reality. For example, you may see a depression-era couple whose house is paid for, yet their children are recommending that they sell it and start spending \$4000 a month on an assisted community - that can be very difficult for them to comprehend. In many cases, it may be wise for the parents to turn over their house or funds to their children [to preserve assets]; they often feel very uncomfortable with that - not necessarily because they don't trust their children, but because they are relinquishing control. I tell them that the purpose of these maneuvers is actually to gain control of their estate on the other end,

According to an AARP study, 44% of Americans age 45 to 55 have aging parents as well as kids under 21.

RITA EVANS, RN-Case Manager (continued)

to use their resources for their own chosen purposes and avoid probate. I often hear them say, "I never thought it would be like this at the end of the road," but some strategic planning can make that road smoother.

Q. It must be hard to tell people what they don't want to hear.

A. Yes, but it's not new to me, since delivering bad news is part of nursing. It takes time for people to adjust, and I get a lot of phone calls from families trying to absorb all the information we've given them. These situations also are very fluid; things can deteriorate very quickly.

Q. Do you find that elders become too emotionally dependent on their kids when they have too few social connections?

A. Friends are important, of course, and surprisingly couples tend to be more isolated than single people, who have more incentive to seek interaction. On the other hand, some people won't move out of their homes [even to a setting providing many more services] because they don't want to leave their friends. As helpful as a network of friends is for coping, seniors still rely on their family for almost everything of substance.

Q. You must see a lot of guilt in adult children who feel torn between devoting resources to their parents vs. themselves and their children, e.g., to assisted living vs. the kids' college vs. their own retirement.

A. That is a dilemma. We try to reduce this concern by focusing on preserving the senior's assets so they can pay for most of their own care, and by staying aware of any government or insurance supported programs, such as those providing home-based care or

senior day care programs. The children's support is needed if poor financial decisions have been made - sometimes the consequence of undiagnosed or inadequately managed dementia. But most often the guilt issue concerns time. Balancing everyone's needs while maintaining [the adult child's] quality of life is a great challenge. Caregivers consistently tell us that time demands are the primary cause of burnout. Guilt sets in when they start trying to reduce some of their daily tasks - by hiring private care services, looking at assisted living, etc.

Q. It must cross people's minds that many burdens would be removed if their parents passed on. Is this another source of guilt?

A. We often need to address this issue. I recently worked with a man who commented that it would be better for his mother, in a nursing home, to pass on, because of her level of suffering. At that point, I refer families to hospice services, who can help put the medical and psycho-social issues in perspective and offer families ways to deal with end of life issues in a positive light.

Q. Do the adult children share much with you about what it's like to deal with their parents' cognitive decline? Some elders seem to be "with it" one day and not the next. Others seem to deteriorate steadily in their memory and mental processing.

A. They do, and as you can imagine, some are better equipped to deal with this than others. There is a tremendous amount of denial, in some adult children, who may try to delay difficult decisions, or because of a complicated relationship with the

As helpful as a network of friends is for coping, seniors still rely on their family for almost everything of substance.

impaired parent, don't want to be "the bad guy" by forcing unwanted changes (such as a move or introducing outside caregivers into the home).

Q. In our own experience with clients, we have seen real strains develop among siblings who are putting unequal amounts of time or money into their parents' care. One sibling may feel unfairly burdened, while another may say, "Naturally you're doing more because you live nearby, or because you have no kids at home." What have you seen along these lines, and what can be done to reduce these tensions?

A. We include all family members in developing these plans, but there will always be a small percentage of unresolvable conflicts. Longstanding poor relationships among siblings may worsen during these stressful times. Some seniors, aided by our legal counsel, will change their estate plans to

better reimburse or reward the child who has contributed more to caregiving.

Q. Your area of work seems vitally necessary yet inherently depressing. How do you, as well as your clientele, turn it into something that feels positive?

A. I must say, we are an extremely positive group, with a keen sense of humor that is enormously helpful. Coming from my nursing background, this is actually the most positive area that I have worked in! We can be creative in helping people navigate the healthcare system in ways that would not be possible from "inside the box" of a hospital or facility, where you are constantly telling people what you can't do for them because of insurance or staffing constraints. We empower families with information, allowing them to make timely decisions that make a huge difference in how the final stage of their loved one's life plays out.

It is my hope and wish that wherever your point of origin, you will make the effort to attend...

ANNUAL FELLOWSHIP DINNER FRIDAY, APRIL 25, 2003

Lawyers Concerned for Lawyers serves the entire state of Massachusetts thus our Annual Fellowship Dinner rotates location to accommodate everyone.

This year the dinner is at the Publick House in Sturbridge which may be slightly inconvenient for some, but much more convenient for those in the western part of the state who, on alternate years, make the effort and travel to Boston. It is my hope and wish that wherever your point of origin, you will make the effort to attend, because it is having all of us together that makes this annual calendar event so special and the highlight of LCL's calendar year.

An added feature, when we have our dinner in Sturbridge, is the complimentary breakfast and support group meeting the following morning. Those who have worked this into their schedule have found the accommodations at the Publick House reasonable and delightful and the open meeting a great way to start the weekend. Please plan on coming as the event will not be the same without you.

In order to benefit from the group rate, you must make your hotel reservations no later than March 31st.

LCL SUPPORT GROUP MEETING CALENDAR

This quarterly newsletter is published by Lawyers Concerned for Lawyers, Inc. for its members and the bar at large. We welcome your comments and questions.

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THE INFORMATION THAT WAS IN THIS AREA OF "BRIEFINGS" IS NOW OBSOLETE.

MORE RESOURCES FOR THOSE DEALING WITH ELDERLY PARENTS

BOOKS

- Berman, Claire. *Caring for Yourself While Caring for Your Aging Parents*. Henry Holt & Co., 2001 (2nd ed.)
- Morris, Virginia. *How to Care for Aging Parents*. Workman Publishing, 1996.

WEB SITES

- www.caps4caregivers.org (site for organization Children of Aging Parents)
- www.careguide.net (assistance in finding/managing elder care)
- www.ec-online.net (online support and information in elder care))
- www.alzwell.com (support/information in caring for people with dementia)
- <http://www.caregiving.org> (information for both families and professionals)
- www.extendedcare.com (database of resources)
- www.nursinghomereports.com (consumer ratings of nursing homes)
- www.benefitscheckup.org (service to identify programs/benefits for which elders may be eligible, through National Council on Aging)
- www.magnet.state.ma.us/elder Mass. Executive Office of Elder Affairs
- www.masslongtermcare.org (information on longterm care facilities/options)

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