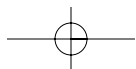
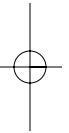
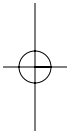


ALIVE AND KICKING



ALIVE AND KICKING

Legal Advice for Boomers

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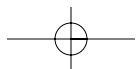
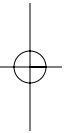
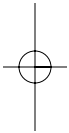
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To those of us who still sing in our chains like the sea.



SUMMARY OF CONTENTS

Prologue: Now You're 64, Give or Take

Part 1 Training for Ill

Training for Ill; Living Wills; Growing Old: What to Expect and How to Cope; Identity Theft and Scams

Part 2 Let the Good Times Roll: Retirement— Money, Housing, Medical Care

Retirement: An Overview; Social Security; Private Pension Plans; Retirement Finances; House Rich, Cash Poor; Retirement Housing; Medicare and Health Insurance; Long-Term Care; Tax Breaks for Seniors

Part 3 Trouble: Getting In and Getting Out

Abuse, Neglect, and Financial Exploitation; Self-Abuse: Vegas, Booze, and the Question of Guns; Sex; Driving; Grandchildren; Family Financial Dealings; Divorce and Remarriage; Age and Disability Discrimination; Trouble with the Bill Collector

Part 4 In Case “Something Happens”

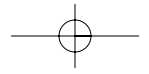
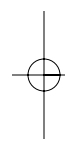
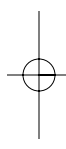
Keeping Control: Living Wills, Health Care Power of Attorney, Joint Accounts, and Powers of Attorney; Wills and Estate Planning; Avoiding Probate; Trusts: Legal Shmoos; Living Trusts; Estate and Gift Taxes

Part 5 Disability in the Family

Slings and Arrows; Mental Incapacity; Deciding for Others; Home Care; Nursing Homes, Geriatric Care Managers

Part 6 Death in the Family

Hospice, Dying Well, and Being There; Ending Life: Pulling Plugs, Euthanasia, and Suicide; Death in the Family; Probate



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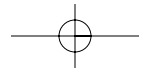
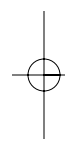
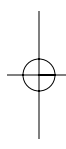
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PROLOGUE: NOW YOU'RE 64, GIVE OR TAKE

*Will you still need me,
Will you still feed me,
When I'm 64?*

The Beatles

Remember when? Then 64 was a myth, something lurking at the outer edge of our imagination. We had better things to do: schools to finish, careers to start, mates to find. Etcetera. Sure, our grandparents were old, but they had always been old, preferred being old, chose to be old. Curious choice. Not ours.

A blur of momentous events. Viet Nam, civil rights, Berlin Wall, goings-on in the Oval Office, 9/11; meanwhile, we finished school, started a career, found a mate, not to mention Etcetera. We didn't start the fire, but it has consumed us. Suddenly, quite suddenly, we just turned around, and, hey, it's us. Sixty-four, give or take.

Growing old isn't as bad as we feared. Most of us will stay in good health and find engaging things to do in our retirement. However, growing old is not eating a peach. It's not for sissies. It won't be for us. It won't be for you. This book will help you, and it will help us.

The problem is this: There are a lot of things you need to know now in order to avoid trouble. On the other hand, there are things you don't need to know unless you're in trouble. It's good to think about living wills now, but you need not worry about fighting age discrimination unless and until it happens to you. What's a poor boy to do?

Divide the book. The first part of the book, *Training for Ill*, is designed to be read. It deals with a ghastly range of topics: living wills, the aging process, and, on a lighter note, protecting your identity and avoiding scams. There will be advice on how to stay mentally active, perhaps staving off senility by doing crosswords, and advice on how to recognize one of the plagues of growing

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old: strokes. Finally, as retirement isn't always all that it is cracked up to be, we offer some advice on coping with existential angst. (Remember when that was something we puzzled over in the afternoon, before going to that night's party? Which was it: existence precedes essence or essence precedes existence?)

You may think, "I can skip that part. I already know about living wills, hospice, and the virtues of exercise." But Samuel Johnson was right: people more often need to be reminded than informed.

Training for ill isn't pleasant. We would all prefer to go to the beach, to get around to it tomorrow. Training for ill today will allow us to avoid it tomorrow or, if we can't, to better cope with it. Resist your Little Voice shouting, "You don't have time for this now. Maybe tomorrow." Take a deep breath, sit down and read. On the bright side, not every bad thing we mention will happen to you.

The rest of the book can wait until you have specific questions. Our later topics:

- Retirement: finances, housing and health insurance.
- Family matters: divorce and remarriage, grandchildren, financial obligations.
- Trouble: elder abuse, bill collectors, and age bigots.
- Estate planning: wills, living trusts, trusts for special needs, probate.
- Bad times: disability and death in the family.

And, in a shameless ploy to sell more books, we have devoted a chapter to sex. Good news on that front.

We were going to call this book *Geezer Law* (cooler heads prevailed). Why? We're invited to parties. "Come to Larry's 65th. Please, no serious presents." Our goal with *Geezer Law* was to overtake adult diapers and capture the joke-gift market. But we had loftier, more respectable goals as well. In the Civil Rights Movement came a sharp defining moment: "We're not Negroes, we're black." Everything changed.

We're not senior citizens, we're not elders, and we aren't living our golden years: we're geezers and here we come, ready or not.

Finally, style.

We won't write down. You're probably smarter than us. Editors, mostly in their thirties, have advised:

"Kill the jokes, the poetry, the background stuff. Just tell 'em how to stretch their Social Security check."

Despite what these whipper-snappers may think, us geezers don't shuffle over to the couch, sit blankly before a static TV, drooling oatmeal. We still have our humor, our curiosity, our intellectual excitement. We'll come and

PROLOGUE xxi

go, talking of Michelangelo, telling bad jokes, and reciting wonderful poetry. If you're in it just for the information, you've picked up the wrong book. Not that there's no information here—we just think you need a spoonful of humor with your maturity medicine.

Legal prose is pretty deadly. A law professor (from Yale!) once wrote:

There are two things wrong with almost all legal writing. One is style. The other is content. That, I think, covers the ground.... Readers like a dash of pepper or a dash of salt along with their information. They won't get any seasoning if lawyers can help it. Lawyers would rather be dignified and ignored.

This book will to help you; it will help your family. We won't let you ignore it; we'll put on lampshades, paint our noses red, and do back flips.

OK. No back flips.