

The Role of Guardianships & Conservatorships in Today's World

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During the recent Virginia Guardianship Association Conference (July 25, 2013), the Honorable Gary A. Hicks, Presiding Judge of the Henrico Circuit Court, noted that the number of guardianships and conservatorships, both contested and uncontested, have been on the rise. Such increase is likely the result of such things as increased life expectancies, changing family dynamics, the increasing role of third-party caregivers, community awareness of financial exploitation, and greater wealth accumulation.

A guardianship and conservatorship is a judicial proceeding whereby the court declares an adult to be incapacitated and in need of an agent to assist with personal and/or financial affairs. When assessing capacity, the court relies on the report of a medical professional and the guardian ad litem to determine whether an individual can meet the essential requirements for his health, care, safety, or therapeutic needs without the assistance or protection of a guardian. Also considered is the ability to manage property or financial affairs or provide for his support or for the support of his legal dependents without the assistance or protection of a conservator.

The good news is that current law requires the court to consider the availability of less restrictive alternatives to the appointment of a guardian and conservator. Such alternatives, which include, but are not limited to, powers of attorney and advance medical directives, are often more cost-efficient and give deference to an individual's choice of agent. However, the problem arises when these alternatives are defective - either not drafted to accommodate a need or the agent is unable to, unwilling to, or in breach of service.

While many people may feel that powers of attorney and advanced medical directives are just commodity documents, the provisions contained therein should be tailored to an individual's intent by an estate planning attorney. It is essential that your agent be aware that they are required by law to act in your best interest and under what conditions they may act. We advise our clients to take factors such as relationship, financial stability, involvement, organization, and ability to make decisions into consideration. It is also important that you understand the powers you are granting your agent.

While the number of guardianships and conservatorships appear to be increasing in number, with proper planning, you may be able to proactively protect your interests. Whether you need to have documents drafted,

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desire a review of your current estate planning documents, or think you may know someone in need of a guardian and/or conservator, the attorneys of the Hook Law Center invite your to contact them. Please contact us to schedule a consultation.



A Cat's Tongue

Hook Law Center: Kit Kat, what is so unique about a cat's tongue?

Kit Kat: Well, we all know that a cat's tongue feels like sandpaper. It aids in keeping them well-groomed and having deliciously smelling fur. My mom loves to pet me and my 4 siblings, because we always smell so great and there is no odor after petting one of us. The feeling is mutual. We love to be scratched on the underside of our chins!

Anyway, back to a cat's tongue which has recently been an object of research by an engineer at the Massachusetts Institute of Technology. He studied the movement of a cat's tongue while a cat was drinking from a faucet. He did this by using a high-speed camera which recorded motion at 120 frames per second. What he found was that a cat's tongue moves very rapidly in capturing the water and returning it to its mouth before the water can fall off. It does it so rapidly that this process cannot really be seen by the human eye. The scientist further commented that this knowledge may be useful someday in the design of robots. The cat has no need to tilt its head forward or to get its snout wet. It utilizes its tongue in a super, efficient manner. Now whoever could have predicted that such a simple thing as a cat drinking water from a faucet could be useful to science? Modern marvels never cease!

(<http://shine.yahoo.com/pets/5-things-never-knew-cats-155000145.html>)(9-4-2013)

Upcoming Events

- Hook Law Center is participating in the Alzheimer's Association Walk to End Alzheimer's on **October 13, 2013** to raise funds and awareness. We know **Team Hook Law Center** can make a difference with your support! It's easy to give online using this link: http://act.alz.org/site/TR/Walk/VA-SoutheasternVirginia?team_id=87329&pg=team&fr_id=3766. If you would like to join **Team Hook Law Center**, raise funds and walk with us, please email **Jennifer Woods-Pagano, CECC**, our team captain, at pagano@hooklawcenter.com for more information.
- Hook Law Center will be presenting a seminar at the State Meeting of Educational Office Personnel, sponsored by the Suffolk Public Schools, on **October 18, 2013** at 9:00 am at the Hilton Garden Inn, Harbour View Blvd., Suffolk, VA.
- Hook Law Center is participating in the National Multiple Sclerosis Society, Hampton Roads Chapter, Resource Fair at the Westin Virginia Beach Town Center on **October 23, 2013** from **5:15 pm - 6:45 pm**. This event is free and open to the public.

- Hook Law Center will be presenting a seminar to the Tidewater Parkinson's Disease Weekend Support Group at St. Therese's Catholic Church, 4137 Portsmouth Blvd., Chesapeake, VA 23321 on **November 2, 2013**.
- Hook Law Center is presenting a seminar on the Affordable Care Act to Merrill Lynch Special Needs Financial Group on **November 7, 2013**.
- Hook Law Center is presenting a seminar on the Affordable Care Act at Marian Manor, 5345 Marian Lane, Virginia Beach, VA 23462-1883 on **November 13, 2013 at 2:00 pm**.
- Hook Law Center will be presenting on Estate and Long-Term Care Planning at the Medicare Health Fair at the Virginia Beach Convention Center, 1000 19th Street, Virginia Beach, VA on **November 16, 2013**. This event, hosted by Senior Services of Southeastern Virginia, is free and open to the public.
- Hook Law Center will be presenting a seminar on Special Needs Trusts to the Parkinson's Young Onset Support Group at their bi-weekly meeting in Virginia Beach, VA on **November 16, 2013**.
- Hook Law Center will present a seminar to Wall, Einhorn & Chernitzer P.C. on **November 18, 2013**.
- Hook Law Center will present a seminar on Health Care Reform at Senior Advocate's Lunch & Learn at the Envoy of Thorton Hall, 827 Norview Avenue in Norfolk, VA on **November 21, 2013**.
- Hook Law Center will be presenting a webinar on the Affordable Care Act and Elder Law and Special Needs Planning on **December 4, 2013**. This webinar will be hosted by Interactive Legal.
- Hook Law Center will be presenting a live webinar on POAs, AMDs and the Ethics of It All in Charlottesville, VA on **April 10, 2014**. This webinar will be hosted by Virginia Continuing Legal Education.



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