



Gay, Lesbian, Bisexual, Transgender Older Adult Resource Guide



Franklin County Office on Aging
280 E. Broad Street, 3rd Floor
Columbus, OH 43215
(614) 525-5230
www.officeonaging.org



As the senior LGBT person plans for retirement and beyond...

Senior members of the LGBT community have unique challenges that they face as they age. These can include decisions as to retirement and finances, but also decisions as to how to plan for personal care, support and end of life decisions. Traditional family networks may not be present due to the legal inability to enter into same sex marriages or the lack of children. For some people this lack of a family support system may be due to personal choice or family lifestyle conflicts, and friends and neighbors often provide the assistance that many LGBT seniors need.

Even if an LGBT person has financial security in the senior years, care still needs to be taken to make sure that other more personal wishes are in place and followed. Proper personal and financial planning can increase an LGBT person's chances for the best retirement possible. Although no pamphlet can replace individualized planning with qualified legal and financial professionals, the following topics should be considered by LGBT persons as they age:

Do I need a Last Will and Testament?

A Last Will and Testament is a legal document naming people or organizations who are to receive your assets after your die. A Will is very important for a LGBT person who may not be close to biological family, or who may have created an alternative family with a domestic partner or close friends. You are legally permitted to leave your assets to anyone you want. In order to make a Will you must be mentally competent, and the Will must be signed by you in the presence of two witnesses. Handwritten Wills without witnesses are not valid. The court process of transferring the assets titled in your name without a beneficiary is called the Probate of your estate.

What happens if I die without a Last Will and Testament?

If you die without a Will in Ohio, your estate still needs to be probated in court and the state has predetermined for you who will receive your assets. Ohio law says that all of your assets first go to your "legal and opposite sex" spouse. If you have no

spouse, your assets then go to children in equal shares, and if you have no spouse or children, then to your parents, and on and on. Since many LGBT people do not have “legal” spouses or children, a Will is the best way to make sure your estate assets pass the way you want.

If my family doesn’t like what my will says, can they contest it?

A successful will contest is not based upon an objection as to how you distributed your assets, but for a number of reasons including whether you were competent or under duress when you signed the Will, or whether it was signed by you in the presence of two disinterested witnesses. You need to follow the correct procedures in preparing and signing a will, and you must do this when you are in the proper mental state. Don’t wait until you are in a poor mental or physical condition as that might cause your actions to be questioned after your death.

When I die, can certain assets be transferred without going to Probate Court?

Yes, any asset that has a named beneficiary, such as life insurance, financial accounts or retirement funds, will be transferred to that named person after your death. The beneficiary clause, not your Will, controls who gets the property. So, always make sure that you name the people you want in these beneficiary clauses and keep those names current. You can also title real estate or automobiles in a way so that they can pass on your death to whomever you designate without the need to go to Probate Court.

Who will handle my final arrangements when I die?

Normally, your closest family members take charge of your affairs after you die. If you don’t have close family, or if you don’t want them to handle this responsibility, you can appoint anyone you want to carry out your wishes. To do this you just need to complete and sign a simple two page document titled...“APPOINTMENT OF REPRESENTATIVE FOR DISPOSITION OF BODILY REMAINS, FUNERAL

What will happen if I become ill and can't take care of myself

Your doctor will always talk to you about your own care as long as the doctor feels that you are able to make your own decisions. If your age or mental or physical infirmities make it impossible for the doctor to communicate with you, then your closest next of kin normally makes health care decisions for you. However, you can prepare a Health Care Power of Attorney that allows you to appoint anyone to make these decisions for you. You could name your domestic partner, a trusted friend or anyone else you might want. You can also protect the rights of your domestic partner or friends to visit you and make decisions for you, regardless of what anyone else wants. You must prepare and sign this document when you are still competent to do so.

What is a Living Will?

A Living Will is a document that specifies whether you would like to be kept on artificial life support if you become permanently unconscious or are otherwise dying and unable to speak for yourself. It can also state the medical procedures or treatments that you may or may not want to have performed by a health care professional. A Living Will contains instructions for your doctor and for the holder of your Health Care Power of Attorney. This document becomes the written proof of the details of the specific wishes that you would like to have followed.

What happens if I am unable to take care of my house or my financial affairs?

If you don't plan ahead, this situation can create a real crisis for you. A “General” Power of Attorney is a legal document which gives the person you designate the power to manage your house, financial assets and legal affairs while you are alive. The appointment may be for a fixed period and can be revoked by you at any time providing you have the legal capacity to do so. Typically, a General Power of Attorney is durable, which means that the document is still valid if you become incapacitated in the future. So, if you plan ahead, you can name your domestic partner or a friend or family member to make these decisions for you.

If I don't have Powers of Attorney, who will help me if I become mentally incompetent or physically unable to make decisions for myself?

If you do not have or don't want your next of kin to make decisions for you, and if you haven't executed Powers of Attorney, then it may be necessary to have a court appoint a guardian to make decisions for you in health care or financial matters. A Guardianship of the Person and a separate Guardianship of the Estate (property) can be expensive and burdensome courts processes that can be avoided if you plan in a timely manner.

What if I want to provide assistance for someone after my death or if I want to leave my estate to an organization or to a charity?

Those are perfectly acceptable goals for your estate planning. You might want to set up a scholarship fund, provide assistance to your favorite charity, or even endow a foundation in your name. You can also set up a Trust to provide continual financial assistance to someone after your death. This could be for the benefit of an elderly parent, a domestic partner who is left behind, or for your children, nieces and nephews, friends or other family members. With the proper preparation of a Will or Trust, you can make sure that your own wishes are followed after your death.

What should I do to prepare for the future?

It is important for the LGBT person, especially those without close family or friends, to take an active part in planning for his/her own future so that the appropriate financial and legal plans can be created. An attorney and a financial adviser can assist you with this planning. You should make sure that you have created all of the appropriate legal documents and financial plans that will carry out your wishes both while you are alive and after your death.

You need to review all of your assets and calculate how long they will last to provide for your living expenses. You should examine your Health Insurance options and determine how Medicare can help pay for your health care. You should review any Retirement Benefits that you have earned and determine how much you will receive

in Social Security each month. With proper planning you can determine how much money you will need each month to cover your living expenses.

You might also want to explore purchasing Long Term Care Insurance that could provide you with financial assistance for medical, nursing and home care. While you are still able, you might want to visit retirement homes that have a variety of living options including independent and assisted living, as well as nursing care. If these facilities are Medicaid eligible, you may be able to stay there after your financial resources are depleted.

What if I run out of money?

Even with the best of planning, your money might run out. If this happens, family and friends may be able to assist you financially. If you don't have or want to use those support systems, you need to make sure that you know the resources that might be able to assist you. This could include Medicare for health care and Medicaid for residential needs. Numerous other local, state and federal plans may be able to provide assistance to you.

The Franklin County Office on Aging is primarily responsible for planning and coordinating services and programs that assist older citizens in the maintenance of independent living. It also administers the Senior Options and Adult Protective Services programs. By dialing (614) 462-6200 residents of Franklin County (Ohio) can access a system of services and information about community and home-based care for frail seniors. Senior Options maintains contracts with companies and agencies that provide personal care, home delivered meals, adult day care, medical transportation and other services that allow our county's older citizens to live independently in their own homes.

What should I do first?

Every person's situation is unique, and the LGBT person has special challenges as he or she plans for the future. Traditional extended family systems involving a legal spouse, children or grandchildren may not be available to you as you age. Your support systems may become your domestic partner or your friends who have played an important part in your life. Your plans for your future may not be followed if you don't create the proper legal documents, if you don't do financial planning, and if you

don't determine those people who will assist you when needed. Identify those people who play an important part in your life, find an attorney who can prepare the documents that you need, and work with a financial planner to create a sound financial plan for you and those your care about. Proper planning will increase the chances that "your wishes" will be followed both as you age and after your death.

This information has been prepared by attorneys at Artz, Dewhirst & Wheeler, LLP, Attorneys at Law, and it is intended to provide general legal information to the reader and to acquaint the reader with legal issues of interest to the LGBT community. It is not intended to provide legal or financial advice to any person on the listed topics. You should always consult with an attorney or qualified financial expert on the specifics of your unique situation

GLBT Resources for Older Adults

Affirmations

(614) 445-8277
918 South Front Street
Columbus, OH 43206
www.affirmationstherapy.com

Provides counseling services for individuals, couples, families, and groups. Specialties include relationship difficulties; depression and anxiety; HIV testing; AIDS; women's issues; post-traumatic stress disorder; affirming gay, lesbian, bisexual psychotherapy; anger management; domestic violence; alcoholism; gambling; and deaf issues.

Buckeye Region Anti-Violence Organization (BRAVO)

1-866-86-BRAVO
PO Box 82068
Columbus, Ohio 43202
www.bravo-ohio.org

Bravo works to eliminate violence perpetrated on the basis of sexual orientation and/ or gender identification, domestic violence, and sexual assault through prevention,

education, advocacy, violence documentation, and survivor services, both within and on behalf of the Lesbian, Gay, Bisexual, and Transgender communities.

Columbus AIDS Task Force

(614) 299-2437
1751 East Long Street
Columbus, Oh 43203
www.catf.net

Established in 1984, Columbus AIDS Task Force (CATF) is a full-service, community-based, non-profit AIDS Service Organization providing comprehensive care services, educational programs and an HIV testing program. CATF's mission is to fight the spread of HIV; reduce its transmission, stigma and the resulting discrimination through education and awareness; and provide quality services to individuals and families affected by HIV/AIDS.

Heartland Victorian Village

(614) 464-2273
920 Thurber Drive W
Columbus, OH 43215
<http://www.heartlandnursing.com/VictorianVillage>

Heartland - Victorian Village is a nursing facility that offers a broad range of medical services with 24 hour nursing coverage, a Stroke Recovery Program, and intensive therapeutic services designed to maximize the abilities of our patients recovering from surgery, illness, or injury. The facility specializes in care for GLBT older adults as well as HIV/AIDS patients.

Parents, Families And Friends Of Lesbians And Gays

(614) 227-9355

Monthly meetings provide support, education and advocacy. Promotes understanding and acceptance between GLBT persons and their families and friends. Speakers bu-

reau provides info about family and friends of lesbians and gays. Answers questions regarding coming out and religious issues. Telephone support 24 hrs a day.

Stonewall Columbus

(614) 299-7764
1160 N. High Street
Columbus, Ohio 43201-2411
www.stonewall-columbus.org

Stonewall Columbus serves the Central Ohio GLBT community by providing a community center and offering programming and services that enhance the well-being and visibility of our diverse community through discovery, affirmation and celebration.

Stonewall Seniors is a group committed to implementing programming that will provide an outlet to seniors in the GLBT community.

Older Lesbians Organized for Change (OLOC)-works toward providing a safe, supportive network for old lesbians while actively working to effect changes that will improve our lives. www.oloc.org

TransOhio-serves the Ohio transgender and ally communities by providing services, education, support and advocacy which promotes and improves the health, safety and life experience of the Ohio transgender individual and community.
www.transohio.org

Lavender Listings-GLBT friendly Central Ohio businesses.
www.lavenderlistings.com

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