

Will always help... A call from a friend about a friend... The problem...Y's nature and personality... The current situation... The next step... The next step after the next step... A problem... My guidance... The reason for this column...

All, one thing about being a lawyer is that people remember that you have been one and they are comfortable asking some questions about various situations. While I will not practice law at this point because I no longer carry malpractice insurance, in combination with the fact that I'm not up to date on recent developments that may be relevant, I am willing to listen to situations in which people find themselves so that I can point them in the right direction. I am absolutely scrupulous about not giving specific legal advice because I would be responsible if something goes wrong.

A call from a friend about a friend...

For obvious reasons I am not going to specify who called and whom they called about. I will identify people as X and Y. Suffice it to say that the call came from someone that I trust.

The problem...

X has known Y since childhood. They were in relatively constant touch for nearly 60 years despite the fact that their lives had gone in very different directions. Approximately 10 years ago contact with Y became intermittent because Y was very actively involved in caring for his elderly parents. Fortunately, they were financially well-off, as was Y. (Independently, Y has a substantial net worth.)

Y's nature & personality...

Y was always a brilliant student. He pursued advanced degrees in engineering from top schools. This prepared him for a career that enabled him to travel the world. Essentially he was in constant motion. As a consequence, he never developed the attachments that would've allowed him to establish roots.

The lifestyle of Y can best be described as eccentric with some behavior that might seem highly self-indulgent to some. He was lucky that he had the financial wherewithal to do pretty much whatever he wanted.

The current situation...

Y finds himself in a situation that is not what he wants. He got there is a result of not having any plan whatsoever for what he would do after his parents died. He continued living in the family homestead, but he had absolutely no direction. The purposelessness of his life precipitated a steady decline. He cut himself off from scores of friends he had known for decades. Essentially transforming into a hermit which was light years beyond the solitary person – the loner – that he had been up to that point. Problems mounted.

One day, a neighbor noticed the door to his house was open, which was quite unusual. Sensing that something might be wrong the neighbor entered the premises and discovered Y unconscious and living in an environment something just short of squalor.

The next step...

Relatives were contacted. They referred everyone to the attorney who had been handling financial affairs for Y's family and for Y. It was clear to the attorney that there was, at a minimum, a medical issue with psychiatric components. A diagnosis of Y made it clear that could no longer exercise the pre-frontal lobe task of executive function. Rather, he exhibited executive disfunction. It is described thusly:

Executive dysfunction is a set of behavioral and cognitive symptoms—such as trouble with planning, time management, and emotional control—rather than a standalone medical diagnosis. It describes how a disruption in the brain's frontal lobe affects a person's ability to regulate actions and reach goals.

(Source: *ADDA Library Understanding ADHD Executive Function Disorder & ADHD: Their Differences & How They Tie Together*)

The next step after the next step...

It was obvious that Y was no longer able to care for himself. Because there was no one else to step into the situation, the lawyer was appointed the Guardian of Y, with full power of attorney in financial and health matters. (This only happens after a thorough court hearing and an examination by the appropriate medical authorities.)

It was found that a memory assistance facility would be the most appropriate place for Y live. The lawyer found an excellent facility, costing \$8000 per month. As one might imagine it is geared to the needs of people with Y's needs.

A problem...

Y does not want to be in this facility. He is difficult, abusive, generally nasty, and disruptive. He has contacted X about his situation. And he wants help in being released. X called me to explain the problem and seek some guidance.

My guidance...

In my experience the only person who would be interested in assisting Y is someone with genuine compassion. Most people would be very reluctant to get involved. That is an understandable and appropriate reluctance in my opinion.

Because I have known X ever since 1960, I was not going to dismiss his concerns. I have an idea what makes him tick; so, his desire to be helpful to Y did not surprise me. That kind of person is very rare and should be cherished.

But, there is a problem. Despite X's long-standing friendship with Y, there is little that X can do to improve the situation for Y. In fact, X was not entirely taken by surprise by Y's situation. X had seen it coming based on Y's deliberately hermit-like choices, coupled with the fact that Y had only planned for the present, never thinking about the future. As long as Y had a purpose, Y was fine. On the death of his parents, he was cut adrift.

The reason for this column...

Everything changes. I know that's a blindingly obvious statement. There is often very little that we can do about some changes. However, there are important steps that we can take, particularly as older people, to not trap ourselves in places that we do not want to be.

First yawn...

Until tomorrow...

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