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Open Dialogue

BY MARC SILVER

Magical thinking—all children do it, including adult kids who care for a parent with cancer. Their (misguided) reasoning may lead them to think if they don't bring up a living will, then mom or dad will just have to get better. But without frank talk, “you're up the creek without a paddle,” says Alice Herb, a New York City attorney and ethicist who specializes in health care issues. Here are some key topics to raise:

> **A will.** See a lawyer for this one.

> **And a living will (or health care proxy).** Depending on the state, your parent may need one or the other. New York state, for instance, has a form online that needs to be signed in front of two adult witnesses. This will cover who makes decisions if the parent isn't able, the parent's wishes about care, and, in some states, organ donation.

> **Durable power of attorney.** Almost any store that stocks business stationery will have the form that grants the right to take care of property if the parent is incapacitated. The form must be notarized. Make sure the word “durable” is part of the document to ensure it will apply even if the parent becomes mentally incapacitated. Some states allow a springing power of attorney, which doesn't “spring” into effect until after the patient becomes disabled.

> **Access to a parent's medical information.** Privacy rules require a patient to give the doctor permission to share medical information with other family members. It might be enough for the parent to grant verbal permission to the doctor, or there may be hospital forms to fill out.

> **Financial information.** The parent may consider reviewing with their adult child financial details, such as bank accounts, tax documents, stocks, bonds, mutual funds, CDs, and contact information for financial advisors.

> **Funeral and burial plans.** Funeral directors are required to give a general price list with the cost of each item and service offered to anyone who asks for it in person, according to regulations implemented in 1984 by the Federal Trade Commission. The price list also discloses legal rights and requirements regarding funeral arrangements.

> **Bonus tip.** Mom or Dad may say they can handle bills and other finances during an illness, but a child might gently offer help.