

“Top 40” host Casey Kasem's disappearance holds lessons for advisers

Tackling issues regarding elder care early can help settle disputes later on

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Casey Kasem *Bloomberg News*

“American Top 40” host Casey Kasem's disappearance has been resolved, but advisers have plenty to learn from the bitter family feud that's emerged over the radio legend's care in old age.

It's been a busy week for Mr. Kasem, 82, and his family. His adult children reportedly have been feuding with their stepmother, claiming that Mr. Kasem's wife won't permit them to see him.

The conflict reached its boiling point on Monday when Los Angeles Superior Court judge Daniel S. Murphy ordered a court investigator and adult protective services to locate the radio personality after a lawyer for Mr. Kasem's wife reportedly said he had been removed from Los Angeles without his children's knowledge, **according to published reports**. The radio host reportedly suffers from Lewy body dementia, which causes a progressive decline in mental capabilities.

On Monday, Mr. Kasem's daughter Kerri Kasem also sought a temporary conservatorship over her father and was appointed his temporary caretaker, according to reports. The family filed a missing person's report on Wednesday.

After several days of speculation on Mr. Kasem's whereabouts, he **turned up in Washington state** on Thursday.

There's no way to completely avoid infighting among family members – particularly when there have been multiple marriages involved – but attorneys note that there are lessons aplenty for advisers and clients amid the Kasem family's brouhaha. “I don't think you can ever guarantee that you can avoid this from happening, but there are steps to minimize the likelihood that it will happen to your family,” said Bernard A. Krooks, founding partner of Littman Krooks, an elder law and estate planning firm.

Advisers should begin to tackle the question of elder care plans as they prepare clients' estate plans.

First and foremost, tackle the issue of elder care and estate planning when the client is sufficiently healthy. Be sure to come up with a living will that would express the client's wishes and desires if they're terminally ill, noted Mr. Krooks.

Clients should also have a health care proxy and a financial durable power of attorney lined up. It's not an easy decision: The individuals assigned to those roles will have authority over the client's health care decisions and finances.

Helping a client decide his or her fate in old age is more than just drafting and gathering the appropriate documents. Clients need to think about how these wishes should be carried out. For instance, a discussion early on about these issues will help clients avoid a situation wherein one child locks out the other children entirely from their family affairs.

"You can't just have the documents," said Yale Hauptman, an attorney at Hauptman & Hauptman PC. "You have to understand how these documents work. Sit with the people who are designated, and have them understand what you want them to do and not do."

Charles Douglas, editor of the National Association of Estate Planners and Council's Journal of Estate and Tax Planning, agreed, noting that the issue is especially thorny when dealing with siblings. In those situations, one child who lives closest to the ailing parent may end up stuck with all the responsibilities and heavy lifting.

"Who died and made you boss of mom and dad?" asked Mr. Douglas. "Have these conversations as a family early and often. Often, the case is that someone first addresses the issue when there's a problem. Mom or Dad may not be in the best position to respond."

With many boomer clients, blended families and **late-in-life divorce are the new reality**, so be sure to revisit all of those power-of-attorney designations in the event of a remarriage, a divorce or the birth of a child from a second marriage.

Finally, advisers may want to visit the issue of money management for clients who are no longer capable of taking care of their own everyday finances.

"Families don't have the support system they had years ago," said Mr. Douglas. "So what we're looking for is health care coordination, dealing with bills and paperwork and management of retirement benefits and assets."

Wells Fargo recently stepped up its vigilance on elderly clients via its **elder client initiatives program**, which trains advisers on what they ought to look for when determining whether to freeze clients' accounts after questionable spending. Indeed, the firm also offers a life management services program to help older clients coordinate payment and healthcare services.

"A huge area of crime and disputes now is undue influence and elder abuse," Mr. Douglas said.