

The Realities of Caregiving at Home

Dear Reader,

As we move into the holiday season, many estate planning and elder law attorneys encourage families to take a closer look at their parents or other elderly loved ones, especially if they haven't seen them in a while. It's a time to assess any changes in their health, mobility, or mental faculties—and perhaps, the potential need for additional support.

However, today's note isn't about that. This message is about the caregivers themselves—those who step into the challenging role of supporting a loved one at home.

First, caregiving is hard. It can be frustrating, overwhelming, and, yes, even exhausting. Even Mother Teresa was known to have had her moments of crankiness, and I imagine that anyone in the position of caregiving—no matter how much they love the person they're caring for—will experience similar feelings at times.

I'm not a psychologist, nor do I have a comprehensive understanding of the emotional toll caregiving can take. What I share here is based purely on my personal experiences and observations from my work with clients, as well as my own experiences caring for my mother. For deeper emotional guidance, I encourage caregivers to seek the help of a mental health professional.

Second, most families want to care for their loved ones at home. The goal for many is to help their elderly parents or relatives “age in place” whenever possible. No one wakes up thinking, *I can't wait to move to a nursing home today!* But the truth is, many people will end up needing some level of institutional care because they simply have no other choice, and there is no safe alternative for them to remain at home.

What does “aging in place” really mean? The reality is that keeping someone at home requires much more than just a roof over their head and a little extra help. There are generally two ways to go about this:

1. Community MassHealth

This is a state program that requires an application, and eligibility depends on both financial and medical criteria. It's too complex to delve into here, but if you or your loved one might qualify, I suggest reaching out to a local area service provider or an elder law attorney for more information.

2. Privately Paying for Care

This is where the challenges often arise. Caring for a loved one at home—especially a frail elder with significant needs—requires substantial financial and physical resources. Even the most well-meaning family members can quickly become overwhelmed by the daily demands of caregiving.

For example, elder care can involve ensuring safety from falls (with someone always nearby to assist them while walking), helping with toileting, preparing special meals, assisting with bathing, and managing difficult behaviors like resistance to bathing or medication. There are also many logistical challenges, like ensuring proper hygiene and handling dietary restrictions.

Some families opt to hire caregivers "off the street," often to save money. While it may seem like an easy solution, this approach comes with significant risks. First, you could be breaking tax laws, as the caregiver may not report income, and you would not be paying taxes or following proper labor laws. There's also the risk of hiring someone who is not legally authorized to work in the U.S. This can expose you to potential legal penalties, including fines or even jail time.

Additionally, when you hire someone privately—without the safety net of an agency—you take on the responsibility of ensuring they are competent, trustworthy, and legally eligible to work. Hiring an agency can alleviate some of these concerns, as agencies perform background checks, verify work eligibility, and ensure caregivers are properly trained. And if an issue arises, such as theft, abuse, or injury, you have some recourse through the agency.

Furthermore, caregivers—whether hired privately or through an agency—should be covered by workers' compensation insurance. Without it, you could be personally liable for any injuries they sustain while working in your home. If a caregiver were to injure themselves while lifting your loved one or performing other duties, they could easily sue you for compensation.

If you do decide to hire someone privately, it's crucial to treat yourself as the employer, which you technically are. This means you'll need to handle the legal and financial aspects of employment, including tax withholding and insurance. Before moving forward, I recommend consulting with an accountant and an attorney to ensure everything is in order.

In conclusion, caring for a loved one at home is a serious commitment, and it's important to understand the responsibilities, both emotional and legal, that come with it. The role of a caregiver can be incredibly rewarding, but it can also be draining, complex, and at times, overwhelming. As we head into the busy holiday season, let's all take a moment to

acknowledge the caregivers in our lives, and perhaps offer them our support in practical ways.

Sincerely,

Susana Lannik