

## **A MESSAGE FROM MARY ANN MALACK-RAGONA, EXECUTIVE DIRECTOR/CEO**

At this very special time of this year, I would like to extend warm holiday greetings to all of our readers and thank everyone for their continued dedication and support of the local families we serve. 2016 has been an amazing year for ADRC with the launch of new music and art therapy programs to the completion of our 2016 Spring and Fall training classes for our professional caregivers. ADRC has been instrumental in helping and supporting hundreds of local families who are coping with a diagnosis of Alzheimer's disease.



In September, I had the pleasure of attending my first UsAgainstAlzheimer's Summit in Washington, D.C. This event, which was attended by more than 500 participants, brought together individuals with a deep passion and commitment to find a cure for Alzheimer's disease, to ensure quality care for individuals with Alzheimer's disease or a related dementia, and to secure support for much needed support programs for our caregivers. Our Keynote Speaker was former first lady Laura Bush and there were video messages of support from Roslyn Carter, Hillary Clinton, Michelle Obama and Barbara Bush.



During my time in Washington, D.C, I also had an opportunity to meet with representatives from the *former association chapters* including Austin Texas, Los Angeles, California, Mississippi, New York City, New Jersey, North Carolina, Orange County, California, San Diego, Tennessee and Wisconsin. Together our organizations represent approximately 53,000,000 individuals or 17% of our US population. We will continue to meet throughout 2017 and beyond to discuss ways in which we can collaborate on a national level and share valuable resources for our clients.

For more information on the D.C. Summit and the national issues being discussed with our legislative representatives in Washington, D.C., please [click here](#).

Included in this e-Newsletter is important legal information which has been graciously shared with us by Michael Pfeifer, Esq. from the law firm of Pfeifer & Choi, PLLC. The title of this article is Can Someone Who Has Dementia Sign Legal Documents? Please take the time to read this very, very important information.

Holidays bring a lot of excitement and joy but, for individuals with Alzheimer's disease or a related dementia and their caregivers, this excitement and joy can and will cause a great deal of concern and possible stress. In this e-Newsletter I'm sharing a wonderful article entitled Creating Moments Of Joy At The

this discussion inspirational at this very, very busy time of the year.

Also included with this e-Newsletter is our 2017 Event Calendar. Please mark your calendar and join us in 2017. Information on our 2017 Seminar Series will be available in our January, 2017 e-Newsletter.

Warm wishes for a Happy, Healthy & Safe New Year!

Mary Ann



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## **Can Someone Who Has Dementia Sign Legal Documents?**

**Maybe.**

In order to sign legal documents in New York, the individual must have legal capacity: being able to sign one's name is not sufficient to have legal capacity. The person must understand the document that he or she is signing. As you will see below, different documents have different criteria for the determination of capacity. A person can have dementia (such as Alzheimer's disease) and still be able to sign legal documents. It is important that someone with a diagnosis of early-stage dementia act quickly to put an estate plan in place before he or she is lacking in the capacity to sign documents. Failure to do so could lead to unnecessary expense and trauma for the family. For instance, if a proper power of attorney is not in place, a guardianship might be necessary. A guardianship is a legal proceeding that will require petitioning the court to appoint a guardian. A court evaluator will have to be appointed, a hearing will have to be held and a judge will make a determination. Subsequent to a guardianship proceeding, there will be reports and other requirements that will

prove expensive and burdensome to the family. Also, the judge will select the person who is in charge of the individual's person and/or property: that person may not be the same person that the individual would have chosen had he or she been able to make the choice.

### **Last Wills and Testaments**

It takes less capacity to validly execute a will than any other document. In order for the individual to have capacity to sign a will, she must: 1) understand the nature and consequences of executing a will; 2) understand the nature and extent of the property she is disposing of in her will; and 3) must know those who would be considered the natural objects of her bounty and her relations with them.

### **Powers of attorney**

“Capacity’ means ability to comprehend the nature and consequences of the act of executing and granting, revoking, amending or modifying a power of attorney, any provision in a power of attorney, or the authority of any person to act as agent under a power of attorney.” See General Obligations Law 5-1501 (2)(c). In other words, the individual must understand both the benefits and the risks of signing a power of attorney. He must also understand all of the provisions of the power of attorney and what authority he is giving to the agent with respect to his property.

### **Health Care Proxies**

On the one hand the Public Health Law gives specific criteria for determining whether one has capacity to sign a health care proxy. On the other hand, one is “presumed” to have capacity unless she has been adjudged incompetent. These two provisions may not be reconcilable.

“Capacity to make health care decisions’ means the ability to understand and appreciate the nature and consequences of health care decisions, including the benefits and risks of and alternatives to any proposed health care, and to reach an informed decision.” See Public Health Law 2980 (3).

“For the purposes of this section, every adult shall be presumed competent to appoint a health care agent unless such person has been adjudged incompetent or otherwise adjudged not competent to appoint a health care agent, or unless a committee or guardian of the person has been appointed for the adult pursuant to article seventy-eight of the mental hygiene law or article seventeen-A of the surrogate’s court procedure act.” See Public Health Law 2981 (1)(b).

Are we supposed to look at the specific criterion of Public Health Law 2980 to gauge whether one has the capacity to execute a health care proxy or just presume the person has capacity pursuant to Public Health Law 2981? Obviously, there must be some indication of capacity but how far do we have

to go to make a determination?

### **Trusts**

Courts have held that capacity with respect to a trust depends on what aspect of the trust is being examined. For instance, if the issue involves whether the individual had the capacity to give his property to certain beneficiaries upon his death, then the court will make the determination on the basis of whether the individual had the capacity to sign a will. On the other hand, if the issue is whether the person had the capacity to appoint someone to be the trustee of her trust during lifetime then the court will probably use the contract standard to determine whether the person had legal capacity.

### **Conclusion**

One can only sign legal documents when she has capacity. Thus, it is important to get one's estate plan in order while one is still able to understand the documents that he wishes to sign.

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## **Creating Moments Of Joy At The Holidays**

**By Ann Napoletan**

When your loved one is living with dementia, the holidays are bound to change. While this can feel very sad and like a loss, it doesn't have to be a bad thing. With each stage, consider creating new traditions or modifying old ones in a way that allows you to meet your loved one right where they are. My mom was always the center of our holiday celebrations. For as long as I remember, she prepared a smaller version of the Italian Feast of Seven Fishes on Christmas Eve. She made it look so effortless - I think she could have whipped up that beautiful spread in her sleep! The last year she made that meal is etched in my mind forever because it was an astounding moment of enlightenment. Just before everyone arrived at the house, I realized she only had a fraction of the food it would take to feed all the guests. She was out of sorts and it just wasn't coming together. We quickly improvised as best we could, but at that point I knew her memory issues were much worse than I had fathomed, and the holidays would never be the same. Beginning the following year, our energy went into making Christmas the best it could be given this new reality.

Perhaps baking cookies with your mother was part of every Christmas for as far back as you can remember. While she may no longer be able to follow a recipe or use the mixer, this activity can be adapted in many ways depending

on what she IS able to do.

For instance, can you measure out the ingredients and let her pour each one into the mixing bowl? Can she spoon the batter onto a baking sheet? Another alternative is for you to bake the cookies in advance and have her help decorate or arrange them on a serving tray. If she is at a more advanced stage, consider sitting together and thumbing through one of her favorite cookbooks, her recipe cards, or a holiday cooking magazine filled with colorful images.

Many holiday activities have the potential to trigger fond memories. Below is a list of other ideas that may encourage reminiscing. **Relax, maintain reasonable expectations, and keep things simple.** It's very important to follow your loved one's lead; if he or she shows signs of agitation, set the activity aside and try again later. The key is focusing on what they can do and meeting them where they are. By doing so, you'll connect in beautiful ways, perhaps on a level deeper than you could have imagined possible.

While the holidays will never be the same as they once were, they are what we make them. The house doesn't have to be spotless, the meal doesn't have to look like something served in a 5-star restaurant, and you don't need extravagant presents under the tree. Time and love are the best gifts you can give. These are moments you'll never have again - treasure them. Happy Holidays to you and yours!

### **Holiday-specific activities to encourage reminiscing**

- Sort Christmas tree ornaments
- Trim the tree
- Look at Christmas cards
- Decorate a gingerbread house (hint: use a simple store bought kit)
- Decorate holiday cookies
- Arrange cookies on a serving tray
- Look through old cookbooks or recipe cards
- Prepare traditional holiday dishes together
- Create a holiday centerpiece (hint: use Pinterest for inspiration)
- Look at photos from past holidays
- Help wrap gifts (hint: use gift bags)
- Create a holiday collage using pictures from magazines
- Paint a holiday scene with watercolors
- Flip through holiday magazines or coffee table books
- Sing or listen to Christmas carols
- Watch classic holiday movies
- Enjoy a cup of hot cocoa with marshmallows
- String popcorn or make paper chains from construction paper
- Work a holiday-themed jigsaw puzzle (hint: look for dementia-specific holiday-themed puzzles)
- Interview your loved one. Ask simple questions about his or her life to prompt reminiscing. Be sure to record your interview so it can be

treasured for years to come.

In addition, here are some good indoor activities for the winter months and all year 'round. Many of them can be accomplished with items you already have around the house.

### **Activities for Year 'Round**

#### Sort & Organize

- Coins, buttons, beads, marbles, or multi-colored vase-filler pebbles
- Macaroni in various shapes
- Hardware – nuts, bolts, and washers
- Wooden blocks in various shapes (be sure edges are smooth)
- Scrabble or Bananagram letters, playing cards, or dominos

#### Around the house

- Arrange fresh cut or silk flowers
- Fold towels
- Help set/clear the table
- Watch birds visit a feeder placed near a window
- Visit with a pet

#### Calming Activities

- Play soft music or recordings of nature sounds
- Watch a relaxing nature-themed DVD
- Warm a favorite blanket in the dryer or turn on an electric throw
- Dab lavender essential oil on pulse points or diffuse into the air

#### Pampering – A Mini Spa Day

- Hand or foot massage with lotion
- Manicure/pedicure

#### Get the Creative Juices Flowing

- Modeling clay or Play-dough
- Watercolor paints
- Coloring books specifically designed for people with AD

#### Books & Magazines

- Coffee table books or magazines full of colorful images (ideas: classic cars, animals, babies, scenic, other things specific to a favorite hobby or interest)
- Audio books

## Music

- Play era-specific music
- Watch a classic musical (The Sound of Music, Annie, The Music Man, My Fair Lady)
- Dance
- Play rhythm instruments – small drum, maracas, tambourine

## Movies & Television

- Classic movies (Singin' in the Rain, An Affair to Remember, The Philadelphia Story, Casablanca, The African Queen, Meet Me in St. Louis, An American in Paris)
- Classic television (Lucille Ball, Johnny Carson, Jackie Gleason, The Honeymooners, American Bandstand, Carol Burnett)

## Games and Other Fun Activities

- Jigsaw puzzles or Puzzles to Remember (specifically designed for people living with dementia)
- Bean bag toss
- Bananagrams
- Checkers
- Hangman
- Word finds (consider making your own to match your loved one's ability level)

***Ann Napoletan is Founder of Marilyn's Legacy, dedicated to increasing Alzheimer's awareness and raising funds to fight this disease and support caregivers. She is also the founding moderator of the UsAgainstAlzheimer's Caregiver Support Group.***





## 2017 Calendar of Events

Wednesday  
April 5, 2017

**5th Annual Alzheimer's Disease Physicians'  
Dinner Long Island Marriott, Melville, NY**

Thursday  
April 6, 2017

**14th Annual Alzheimer's Disease Education  
Conference & Expo Long Island Marriott,  
Melville, NY**

Monday  
June 5, 2017

**ADRC Annual Golf Classic Honoring the  
Gemelli Family Bergen Point Country Club,  
West Babylon, NY**

Thursday  
June 8, 2017  
*(rain date Thursday  
June 15, 2017)*

**Art Expression Program Tea & Art Exhibit**

Saturday  
June 17, 2017

**5th Annual Alzheimer's Regatta & Awards  
Dinner Sagamore Yacht Club, Oyster Bay,  
NY**

Thursday  
July 27, 2017

**Art For Alzheimer's Reception Parrish Art  
Museum, Water Mill, NY**

Saturday  
September 9, 2017

**15th Annual West End Walk For Alzheimer's  
Marjorie Post Park, Massapequa, NY**

Wednesday  
October 4, 2017

**UsAgainst Alzheimer's Annual Summit  
Washington, D.C.**

Thursday  
October 5, 2017

**UsAgainst Alzheimer's Annual Summit  
Washington, D.C.**

Saturday  
October 14, 2017

**6th Annual East End Walk For Alzheimer's  
Village Green, Westhampton Beach, NY**

Thursday  
December 7, 2017

**15th Annual Walk Holiday Awards  
Luncheon Bonwit Inn, Commack, NY (by  
invitation only)**

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[Nassau Support Groups](#)  
[Queens Resources](#) | [Physicians/Services List](#)

**Alzheimer's Disease Resource Center Inc. Mission Statement**

To support research that may lead to a cure for Alzheimer's Disease, to provide care, support and education programs for families in need, and to be the voice for families who are coping with Alzheimer's Disease and/or other Dementias.



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