



## PLANNING & LGBT OLDER ADULTS

### Legal Planning

Legal planning for LGBT older adults is often best accomplished with the help of an attorney with specialized knowledge. LGBT elder law attorneys can be found in the Lavender Yellow Pages, the Elder Law Section of the Minnesota Bar Association ([mnbar.org](http://mnbar.org)), Lamda Legal ([lamdalegal.org](http://lamdalegal.org)) or through the Lavender Bar ([mnlavbar.org](http://mnlavbar.org)). While many laws significantly changed due to marriage equality, some LGB couples choose to remain in their non-married partner relationship. These couples require additional planning to ensure wishes for their property and assets are fulfilled.

Planning ahead: Who will make decisions for you? is a guide developed by the MN Board on Aging to help people plan for their future. You can download this at [www.mnaging.org](http://www.mnaging.org) or obtain a copy through the Senior LinkAge Line® at 1-800-333-2433.

### Financial Planning

Financial planning for older adults can be complex, and even more so for LGBT older adults who may have only recently received benefits from a same-sex spouse. It's important to understand laws and policies around Social Security, Medical Assistance, Medicare, and pensions.

Financial planners can help answer questions about finances in retirement. LGBT knowledgeable planners can be found in the Lavender Yellow Pages as well as [PridePlanners.com](http://PridePlanners.com).

Own Your Future ([mn.gov/dhs/ownyourfuture](http://mn.gov/dhs/ownyourfuture)) is an initiative to help people plan for long-term care. The website offers helpful consumer related items, some of which includes information for LGBT Boomers and older adults.

The Upper Midwest Pension Rights Project ([midwestpensions.org](http://midwestpensions.org)) can help with pension claims and answer questions about rights.

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Conversations are critical in advance care planning. Writing down wishes isn't helpful unless people involved in making decisions know about and understand them.

### Advance Care Planning

Marriage equality helped LGBT people publicly recognize relationships and access benefits of a married couple. However, this legal right did not change the vital importance of planning for end of life. Advance Care Planning helps people think about, talk about, and write down choices for future decisions. LGBT people should be encouraged to participate in advance care planning to ensure their wishes are followed at the end of life.

Fraud and financial exploitation is becoming more common with older adults. Suspected incidences should be reported to the MN Adult Abuse Reporting Center ([mn.gov/dhs/reportadultabuse](http://mn.gov/dhs/reportadultabuse)).

A health care directive is a written document that lists care choices including medical, personal, cultural and spiritual values. For example, a transgender person may include their wishes about continuing the use of hormone therapy.

The directive may document important spiritual or religious ceremonies prior to or upon death. There may be times when a person's preferences, such as religious obligations, are contradicted by the biological family. This is why it is important for LGBT people to document preferences and share the document with friends, family, health care providers, and religious or spiritual advisors.

The directive also lists a health care agent (proxy or health care power of attorney) who will ensure wishes are followed in the event a person cannot express their own. For LGBT people an agent could be a member of their chosen family, a friend in the LGBT community, or an ally.

A properly completed health care directive is a legal document that obligates the health care team to follow stated preferences unless redirected through consultation with the legally-named agent.

A health care directive is meant to be updated throughout life. Priorities and health status change. In addition the agent may no longer be available or able to carry out that role.

More information about advance care planning, including both a detailed or short form health care directive, is available at [HonoringChoices.org](http://HonoringChoices.org).

A healthcare directive is not a medical order. If you choose to not be resuscitated in case of emergency and want EMTs to follow your wishes, you need a POLST (Provider Orders for Life-Sustaining Treatment). You can obtain a POLST through a healthcare provider.

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