



## Andrea L. Jakob, PA

*Legal knowledge, human wisdom:  
Helping you plan today, so you can  
sleep better tonight.*

## The Window of Opportunity: Legal Steps to Take When You First Notice Memory Problems

When someone you love starts forgetting familiar names, missing bills, or getting confused in places they know well, it is easy to explain it away—but it may also be time to quietly and lovingly take action.

You may have noticed the signs for months. Mom is repeating the same question. Dad missed an appointment he never would have forgotten before. A loved one gets lost driving somewhere they have gone for years.

When you bring it up, they may brush it off: “I’m just getting older.”

And sometimes, that may be true. Stress, poor sleep, medication changes, grief, and normal aging can all affect memory. But if something does not feel right, this is the time to pay attention—not panic, but prepare.

### Why Timing Matters

Taking action during this in-between stage can be critical for several reasons:

- **The power of a valid signature.** Legal documents such as powers of attorney (POAs) and wills or trusts require the person signing them to understand what they are doing. If capacity declines too far before those documents are in place, it may be too late to create them—and that window does not always close gradually.
- **Preserving their voice.** Early planning allows your loved one to choose who will act on their behalf when they no longer can rather than leaving the decision to be made by default state laws or a court.
- **Avoiding court involvement.** Without valid planning documents in place, families may need to go through guardianship or conservatorship proceedings, which can be time-consuming, public, expensive, and stressful. Further, there is no guarantee that the court will appoint someone the incapacitated person would want to make important decisions for them.

### The Documents That Matter Most

If your loved one is still able to participate in planning, these documents can make a major difference:

#### Financial Power of Attorney

This allows a trusted person to help manage money, pay bills, handle bank accounts, and



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deal with financial matters if your loved one can no longer do so.

### **Medical Power of Attorney**

This names someone to make healthcare decisions if your loved one becomes unable to speak for themselves.

### **HIPAA Authorization**

This gives doctors and healthcare providers permission to share medical information with the people your loved one chooses.

### **Digital Vault or Organized Record**

So much of life is online now. A digital vault or organized list can help trusted family members access important accounts, documents, passwords, subscriptions, photos, and contacts when needed.

### **Why Waiting Can Be Risky**

Families often wait because they do not want to upset their loved one or because there has not been a formal diagnosis yet. But the law does not focus only on diagnosis. It focuses on whether the person has capacity at the time they sign.

If capacity declines too far before documents are in place, your family may lose the chance to plan privately. That can lead to court involvement, including guardianship, which can be expensive, stressful, and public.

### **A Loving Next Step**

Talking about memory loss is never easy. But planning early is not about taking control away from your loved one. It is about helping preserve their voice while they can still express their wishes.

The goal is simple: make sure the right people are chosen, the right protections are in place, and your family is ready for whatever comes next.