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Get documents ahead of time to avoid trouble



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In retirement, some people take up golf. Others take up knitting. My mother-in-law -- Joyce's mom -- became a world-class paper shredder.

She'd always been determined to keep her financial information from falling into the wrong hands. Joyce has childhood memories of watching her tear canceled checks and credit card receipts into bits.

Then technology kicked in, adding a dash of fun. Ten years ago, at 82, she proudly demonstrated THE SHREDDER, instantly slicing junk mail, envelopes and bank statements into spaghetti-like ribbons.

Joyce and I suppressed giggles and, I confess, childishly joked in private that no one would want to steal the identity of someone whose hobby is document shredding. Fast forward to this August: Even though she's no longer sharp enough to realize it, Joyce's mother had the last laugh -- and gave us a kick-in-the-pants reminder about the necessity of getting our own paperwork in order.

Our lesson began when police arrested a Georgia man for using a credit card apparently obtained by getting my mother-in-law's Social Security number and forging her signature. Joyce jumped online and discovered that the identity theft actually involved three fraudulent cards --and charges totaling well over \$1,500.

Joyce placed urgent calls to each credit card company -- but slammed into brick walls. It didn't matter to the lenders that Joyce was trying to inform them of criminal activity. It didn't matter that she was acting in her mother's best interests. It didn't matter that her mother was no longer capable of making the calls herself.

All that mattered was that Joyce didn't possess the legal document allowing her to say the magic words: "I have her durable power of attorney."

Luckily, Joyce's mother had realized what we long tried to ignore: The most important legal papers can't be obtained when they're desperately needed. You've got to get them in advance.

Thinking ahead, Joyce's mother had wisely given Diana, the daughter who lived nearest, the power to handle her financial and legal affairs if and when that became necessary. So, armed with the proper document, Diana quickly put an end to the mini crime wave.

Joyce and I can recite gay-couple horror stories about dying or becoming incapacitated without giving one's partner undeniable decision-making authority. But what really hit home was seeing firsthand the power of having the proper document --and, more important, the powerlessness of not having it.

We quit stalling and turned our attention to the half-finished set of legal protections gathering dust on our stairs: for each of us, a will, a durable power of attorney, a health care power of attorney and authorization for the release medical information.

Setting aside our resentment (at paying \$3,000 in attorney's fees), anger at the second-class status of gay relationships and resistance to talking about death, we expressed our wishes on the proper forms. (I won't be spending eternity in a frilly dress.)

We've been a couple for 22 years, married (Canada) for four, civil union partners (Vermont) for seven and domestic partners for a dozen (Takoma Park, Md.). All that likely wouldn't matter to a probate judge or intensive care nurse any more than it had mattered to lenders that Joyce has been her mother's daughter for 53 years.

But now we are protected.

Legal documents: Get 'em while you can.