

Summer
2026

Worth Knowing

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

You have been seeing the signs for months. Mom or Dad has not quite been themselves lately. They are forgetting things more often: appointments, addresses, payments, names. The other day, they got lost going to a place they have frequented for years.

When you try to bring it up, they brush it off. "I'm getting older," they say. "What do you expect?"

There may be other explanations, such as stress, poor sleep, or simply the normal effects of aging. And some days, they seem completely fine, which makes the situation even harder to read.

Still, something does not feel right. If they are experiencing early stages of dementia or another cognitive condition, it raises an urgent question: What can you do right now, while they can still participate in making decisions?

Dementia, Legal Capacity, and Estate Planning

Dementia is one of the hardest things a family can face together. It involves a gradual loss of cognitive ability that can affect memory, judgment, and decision-making.

At this stage, many families are waiting for a formal diagnosis. But this is what many people do not realize: Legally, a diagnosis is not what determines whether someone can make decisions. Capacity is what matters.

One of the most common misconceptions is that legal capacity is all or nothing. In reality, it exists on a spectrum.

Someone in early cognitive decline may forget recent events, repeat questions, or become confused at times and still retain the legal ability to sign documents and make meaningful decisions. Capacity is not about perfection. It is about understanding.

Legal capacity is essentially the standard that determines whether a person understands what they are signing and appreciates the consequences of that decision.

That is why the early stages of cognitive decline should be an important moment for everyone. It is often one of the last windows in which a person can actively participate in estate planning— while their decisions still carry legal weight.



7633 Ganser Way
Suite 100
Madison, WI 53719

608.833.4001
wilsonlawgroup.com



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 the default laws of Wisconsin 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.

This period prior to a diagnosis is also an opportunity to have conversations that may become more difficult later. If cognitive decline is progressing, families often have a limited window to talk through preferences for medical care, financial decision-making, or whom they trust to step in if needed. These conversations are often just as important as the legal documents themselves.

The Autonomy Toolkit: Four Keys to Protection

Used together, the following four documents can help ensure that if capacity changes over time, decisions can still be made smoothly and in line with your loved one's wishes:

- **Financial power of attorney.** Allows a trusted person to manage bank accounts, pay bills, and manage financial matters on a person's behalf. Without it, families may be unable to access funds needed to help pay for care or daily expenses.
- **Healthcare power of attorney.** Names the person who can make healthcare decisions if your loved one is unable to do so, helping ensure that their care reflects their values and preferences. It also ensures that the people in the room during a medical crisis are guided by your loved one's values—not left to guess or disagree over what they would have wanted.
- **Health Insurance Portability and Accountability Act (HIPAA) authorization.** Federal privacy law restricts what information healthcare providers can share and with whom. A HIPAA authorization allows healthcare providers to share medical information with designated family members so they can stay informed and involved.

The First Steps Can Be the Hardest

Recognizing the early signs of dementia is often an emotional turning point for families. It can be difficult to know what are signs of normal aging and what may signal something more.

Because of that uncertainty, families often wait to take action, but this period can be crucial for establishing an effective plan, and it may be the last time your loved one can still take part in decisions and help shape what comes next.

The goal is not to rush or assume the worst. It is to use this window, while it is still open, to ensure that the right protections are in place, so that your family is ready for whatever comes next.



A Dementia Diagnosis Changes More Than Healthcare: Seven Legal Moves to Make While You Still Can

With dementia cases in the United States estimated to double by 2060—and roughly 42 percent of Americans over age 55 at risk of developing dementia according to recent research^[1]—a diagnosis is something that more and more families will face.

The statistics are sobering in the abstract. They feel different when they become personal.

When early warning signs turn into a clinical diagnosis, the situation shifts from uncertainty to clarity and from awareness to urgency.

A dementia diagnosis is not just medical; it also carries legal implications. But it is not a reason to panic. Depending on the diagnosis and its progression, there may still be time to act while legal capacity remains.

That window, however, is not open indefinitely.

A Diagnosis Is a Turning Point

A dementia diagnosis does not immediately extinguish legal rights. Many people in the early stages of dementia can still make decisions and sign legally binding documents. But a diagnosis does mark a meaningful shift—from general awareness to the need for timely action.

Moments of clarity or good days can create a sense that there is more time than there actually is. In reality, this period is often when planning is still possible.

The goal is not to rush but to recognize that the opportunity to act may become more limited over time.

The “Two-Clock” Reality: Medical Versus Legal

Families often assume that a dementia diagnosis and loss of legal capacity happen simultaneously. In practice, they run on separate timelines.

The medical clock starts running when a doctor identifies cognitive decline and focuses on diagnosis, symptoms, and treatment.

The legal clock does not start as long as the person can still understand and make decisions about what they are signing.

A person can be diagnosed with early-stage Alzheimer’s disease or another form of dementia and still have the legal capacity to sign certain documents. As long as they understand the nature and effect of the document—what it does and why they are signing it—the law generally recognizes their decisions as valid.

A diagnosis, then, should be viewed as a signal to begin, not a sign that it is too late.

Who Determines When Capacity Is Lost?

While a physician manages the medical side of a diagnosis, legal capacity is typically evaluated in real time by an attorney. When updating documents, an attorney generally looks for the client’s basic level of understanding of the following:

- what the person owns
- who their family members are
- what the document is intended to do

If that understanding is present, even on a single good day, documents can often still be executed. However, if significant decline occurs and an attorney determines the person does not have the required legal capacity to execute documents, court intervention will be necessary to have someone appointed to make decisions for that person.

The Planning Phase: Seven Legal Moves to Make Now

After diagnosis but before capacity is formally in question, there is often still an opportunity to act. Working with an attorney during this stage can help clarify what is still possible and what steps make sense.

Common priorities include the following:

- **Confirm or update estate planning documents.** Review wills, trusts, and related documents to ensure that they reflect current wishes and circumstances. A diagnosis is often the moment when families discover that documents have not been touched in years.
- **Review and activate powers of attorney (POAs).** Confirm that the right people are named and understand when and how they can step in. Also check if the POA is springing (requiring a doctor’s note to work) or immediately effective. A diagnosis may be the right time to switch to an immediately effective POA to avoid delays.
- **Check beneficiary designations.** Life insurance policies, retirement accounts, and other assets may bypass a will. Confirm that the correct people are listed so assets go where intended without unnecessary complications.
- **Set up view-only access where appropriate.** Allowing a trusted contact to monitor accounts without transfer authority can serve as an early-warning system, making it easier to identify problems before they become serious.



All Classes are offered
EXCLUSIVELY to our
RWAY members and
their guests.

RSVPs are Required!

Wilson Law Group combines
our most valued educational
workshops into two
convenient half-day events!

Where:

Spark by Hilton
(formerly Clarion Suites)
102 E Rusk Avenue
Madison, WI 53713

When:

Saturday, November 14th, 2026
Saturday, April 24th, 2027

Three Ways to Register:

Phone

608-833-4001

Email

mail@wilsonlawgroup.com

Website

wilsonlawgroup.com

Symposium I Saturday, November 14th, 2026

8:15 a.m. - 9:00 a.m.

Trustee Training:

Trust Process

9:15 a.m. - 10:00 a.m.

Trustee Training:

Administration Process

10:15 a.m. - 11:00 a.m.

Legal Vault

11:15 a.m. - 12:00 p.m.

Protecting Wealth Without the
Tax Burden: Why BDOTs are
Gaining Attention

Symposium II Saturday, April 24th, 2027

8:15 a.m. - 9:00 a.m.

Trustee Training:

Trust Process

9:15 a.m. - 10:00 a.m.

Trustee Training:

Administration Process

10:15 a.m. - 11:00 a.m.

Fraud Prevention: Protect
Yourself from Today's Scams

11:15 a.m. - 12:00 p.m.

Your Voice, Your Choices
*Professional Healthcare Agents
and Advocacy Services*

Check out our growing library of online workshops!

1. Go to wilsonlawgroup.com
2. Click "Free Workshops" and click the
"Log in to Watch RWay Workshops"
3. Enter the password Sinatra2013

Trustee Training:

Trust Process

This program will provide attendees with an understanding of estate planning concepts, the value of trusts in comprehensive planning, and an introduction to the trust administration process. Attendance is a must for every Trustee and successor Trustee. A Trustee Handbook will be included. This program is a precursor for the Trustee Training (The Administration Process) program. of estate planning concepts, the value of trusts in comprehensive planning, and an introduction to the trust administration process. Attendance is a must for every Trustee and successor Trustee. A Trustee Handbook will be included. This program is a precursor for the Trustee Training (The Administration Process) program.

LegalVault

This workshop is for anyone who would like to learn more about the benefits and functions of their LegalVault account. LegalVault enables you to keep, track, and review your documents outside of your regular estate planning meetings, control access to your estate planning documents, and add additional documents to your vault that requires privacy. LegalVault also allows healthcare providers to have access to your medical directives at a moment's notice.

Your Voice, Your Choices ***Professional Healthcare Agents*** ***and Advocacy Services***

Most healthcare powers of attorney name a spouse, child, or close friend to make healthcare decisions when needed. But what options exist if no suitable individual is available? Join us for a panel discussion featuring professionals who provide healthcare advocacy and healthcare agent services. Learn how these arrangements work, when they may be appropriate, and how they can help ensure your wishes are honored.

Trustee Training:

The Administration Process

The Trust Administration workshop provides Trustees with a detailed description of the decisions to be made and the tasks to be completed following the death of a Trustmaker. These include valuing assets, administering retirement plans and annuities, dividing and distributing trust assets, and preparing estate and fiduciary income tax returns. It is important to know how to handle these responsibilities before the need exists. Prior attendance at the Trustee Training (The Trust Process) program is highly encouraged.

Protecting Wealth Without the Tax Burden: Why **BDOTs are Gaining Attention**

With many of our clients leaving inheritance to their beneficiary trusts to provide asset protection, we will discuss a new and exciting option. A Beneficiary Deemed Ownership Trust (BDOT) could replace the way your existing beneficiary trusts are set-up. It adds the flexibility of not needing to file a separate tax return each year, which has long been a downside of a beneficiary trust. We are always looking at new ways to keep protection while making things as simple as possible. Come and learn about this new estate planning "technology" that might become part of your planning as we continue to make regular updates to your legacy.

Fraud Prevention: Protect Yourself **from Today's Scams**

Scammers are constantly changing their tactics, making it more important than ever to recognize the warning signs. Join us for an informative fraud prevention presentation covering today's most common scams, including imposter scams, identity theft, online shopping fraud, fake reviews, sweepstakes and lottery scams, investment fraud, job and work-from-home scams, phishing, text message scams, and elder financial abuse.

You'll learn how scammers operate, the latest fraud trends, practical ways to protect yourself and your finances, and what to do if you become a victim. With billions of dollars lost to fraud each year, knowledge is one of the best tools for staying safe.

- **Consider a revocable trust.** In some cases, a trust can provide a smoother mechanism for managing assets if capacity changes.
- **Plan for long-term care costs.** Begin evaluating how future care may be funded and what resources are available, whether that involves private funds, insurance, Medicaid, or other benefits (such as Veterans benefits).
- **Document care preferences now.** Wishes around medical treatment, living arrangements, and end-of-life care should be recorded while they can still be expressed directly—not reconstructed later by family members under pressure.

Act While You Still Have Options

Estate planning is ultimately about maintaining control—over important decisions, over who speaks for you, and over what happens when circumstances change.

A dementia diagnosis introduces uncertainty, but it can also reveal a window in which planning can still be done thoughtfully and on your loved one's terms.

Because it is difficult to predict how quickly capacity may change, acting sooner rather than later can help ensure that decisions remain in your loved one's hands for as long as possible and that the right structures are in place for whatever comes next.



THIS SEASON IN HISTORY!



July 6, 2016 – Pokémon Go is released.



July 17, 1955 – Disneyland opened its gates in Anaheim, California, welcoming its very first park guests.

July 26, 1990 – General Hospital records its 7,000th episode.



August 13, 2016 – American swimmer Michael Phelps ends his Olympic swimming career with his 23rd gold medal win at the Rio de Janeiro Olympics.



August 26, 1871 – Toilet paper is first sold in the U.S. Did you ever wonder what they did before its invention?

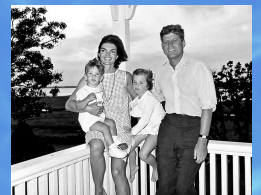


August 29, 1964 – Walt Disney releases Mary Poppins.

Septemeber 2, 1995 – The Rock and Roll Hall of Fame opens in Cleveland, OH.



Septemeber 12, 1953 – Future President John F. Kennedy marries Jacqueline Bouvier.



Septemeber 14, 1985 – The TV sitcom “Golden Girls” premieres on NBC.



Septemeber 21, 1970 – Monday Night Football premieres on television.

Too Late to Plan: Navigating Legal and Financial Barriers After Dementia Progresses

Looking back, it often feels clearer. The signs were there—missed appointments, repeated questions, small but noticeable changes. You were paying attention; you just thought there would be more time.

The situation has now changed. If your loved one's cognitive decline has progressed to the point where they may no longer understand or sign legal documents, that shift has real consequences. Many of the traditional planning tools families rely on may become unavailable. In their place, a different set of challenges begins to emerge.

When Legal Access Becomes the Problem

Recognizing and responding to cognitive decline is rarely straightforward. Even medical professionals can struggle to identify exactly when early symptoms cross into something more serious. It is not about assigning blame. At this stage, the focus shifts from what could have been done to what can be done now.

Families in this position frequently encounter the following obstacles:

- **Banking barriers.** You try to step in to manage accounts or pay for care, but the bank refuses access. Even an existing power of attorney may be rejected if it is outdated, unclear, or lacks specific language.
- **Medical communication limits.** You contact the doctor to discuss your loved one's sudden decline only to find that privacy laws prevent them from sharing information with you without formal authorization. Without a current Health Insurance Portability and Accountability Act (HIPAA) authorization, the conversation stops there.
- **Financial disruption.** Bills go unpaid, insurance coverage lapses, or taxes are missed—not because of neglect, but because no one has clear legal authority to act.

These situations are both urgent and deeply frustrating. They also reflect a hard reality: Without the right legal authority in place, even close family members can find themselves unable to step in and assist their loved ones, regardless of how obvious the need is.

Why Traditional Planning May No Longer Be Available

Most estate planning tools depend on one key requirement: The person creating them must have legal capacity at the time they sign. If that capacity is gone or too far diminished, so is the option to create or implement the tool.

Documents that may no longer be executable include a new or updated power of attorney, a revised will or trust, and written authorization for access to medical information.

When the Court Steps In

When legal authority cannot be established through planning, families may need to go to court to get that legal authority. This process, commonly called guardianship, allows a judge to appoint someone to make financial and medical decisions on behalf of a person who can no longer make them independently.

Guardianship can provide a path forward, but it comes with important trade-offs. The process can be time-consuming, expensive, and in the public record. Once appointed, the guardian operates under court supervision, not independent judgment. And critically, the court decides who is appointed—which may not be the person your loved one would have chosen. If no suitable family member is available or if family members disagree, a judge may appoint a professional guardian: someone your loved one has never met.

Common Assumptions That Lead to This Point

Situations like these rarely stem from a single misstep. More often, they reflect a series of understandable assumptions that turned out to be wrong:

- **Waiting for a formal diagnosis.** By the time a diagnosis is documented, legal capacity may already be diminished.
- **Assuming that a spouse has automatic authority.** Marriage alone does not grant the legal right to sell property, access accounts, or sign documents on a spouse's behalf.
- **Relying on an outdated power of attorney.** Older documents or those lacking specific language may not be accepted by financial institutions or healthcare providers when needed.

Understanding these gaps can help families better navigate the situation they are now facing and avoid similar challenges in the future.

Finding a Path Forward

Even when traditional planning options are no longer available, options may still exist. In some cases, a person may experience moments of clarity or lucid intervals during which limited planning may still be possible. Executing documents during these periods requires careful, contemporaneous documentation of capacity and the involvement of an experienced attorney.

An attorney can also help families navigate guardianship proceedings, resolve access disputes with financial institutions, and coordinate care and financial decision-making during what is often a disorienting time.

Dementia can change the landscape for families in profound ways—legally, financially, and emotionally. But even in more advanced stages, the situation is rarely without options. With the right guidance, families can help establish the authority they need, restore a sense of order, and make informed decisions about care and finances. Reach out to us today for support and a structured path forward.

MARK YOUR CALENDARS

VOTE FOR WILSON LAW GROUP!

Fourth of July
July 4th



National Waterpark Day
July 28th

International Beer Day
August 7th

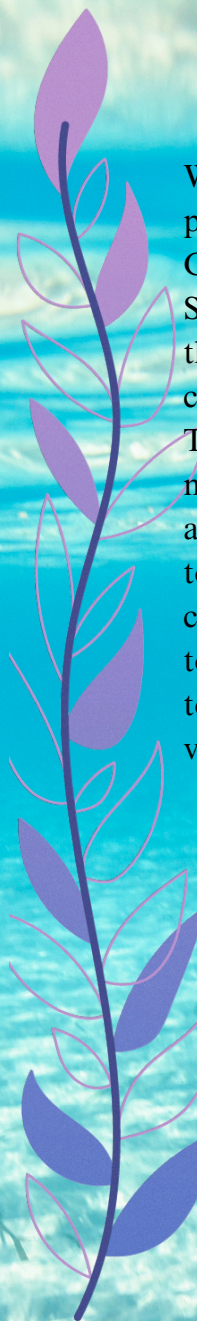


National S'mores Day
August 10th

Labor Day
September 7th



National Coffee Day
September 29th



We didn't let you down when it came to estate planning, so don't let us down and vote! The People's Choice is a contest where readers of the Wisconsin State Journal, Madison.com, and Cap Times vote on their favorite local businesses, in featuring 150 categories.

This year, not only was Wilson Law Group nominated as a finalist for Best Law Firm, but our amazing attorney John Haslam was also nominated to be finalists for Best Attorney! The best part? You can vote for us multiple times! Everyone will be able to cast one vote in each category per day from July 1st to July 26th. Every vote counts, so please make sure to vote!

HOW TO VOTE:

1. Go to internet and type in Madison's People's Choice 2026
2. Find Best Attorney under People to cast a vote for John
3. Find the category Best Law Firm under Services to cast a vote for Wilson Law Group
4. Do this everyday from July 1st to July 26th to help us win!

