

- Family caregivers can also be compensated by becoming an employee of a private caregiving agency. The agency will then assign the family member/employee to be the caregiver for their loved one. The provider agency is typically paid through insurance or Medicaid HCBS waiver. A caregiver interested in this option should reach out to employers in their area who provide paid caregiving services for more information.
- A caregiver contract allows a person who needs care to specifically list the care that will be provided, what tasks the caregiver will do, and the terms regarding payment. Typically, an hourly rate is set out in the contract and the caregiver tracks their time and submits invoices to the care recipient monthly. Payments made to someone under a caregiver contract are not considered gifts, so they would not trigger a transfer penalty if the care recipient later needed to apply for Medicaid long-term care coverage. A caregiver contract has to meet some specific requirements to be recognized for Medicaid eligibility purposes, so we recommend having an attorney draft the caregiver contract. This is a service Idaho Legal Aid's attorneys can provide for eligible clients.
- Child Only TAFI Grants – Temporary Assistance for Families in Idaho (TAFI) is a monthly cash assistance program to help families caring for children. In order to qualify, you must be a resident of Idaho and a caregiver relative for a child under the age of 18 (caregiver relatives can include grandparents, aunts, uncles, etc.). Applications for TAFI are available by calling 2-1-1 or at healthandwelfare.idaho.gov.
- Katie Beckett Services – Families of children with developmental/intellectual disabilities who would otherwise qualify for nursing home level of care, can receive Medicaid paid waiver services. For more information about Katie Beckett, call 1-877-456-1233.

What Are Respite Services?

Caregivers can face “caregiver burnout” – a state of physical, emotional, and mental exhaustion. This can occur when a caregiver doesn't have adequate help and they attempt to do more than they are capable of physically or financially. Signs of caregiver burnout may be: withdrawal from friends and family; loss of interest in activities; feeling irritable or hopeless; changes in appetite or weight; changes in sleep patterns; getting sick more often; feelings of wanting to hurt yourself or the person for whom you are caring.

Respite care provides temporary relief to a primary caregiver from the continuous support and care of an adult. Respite care services can include companionship, assistance with activities of daily living, meal preparation, light housekeeping and personal hygiene tasks. Respite care vouchers, respite volunteers, or respite contractors may be available to help caregivers in need of these services. To find out if you qualify, contact the Idaho Department of Health and Welfare at 1-877-456-1233; the Area Agency on Aging (for those caring for someone over 60) at 1-877-471-2777, or the Veterans Administration (for those caring for a veteran) at 208-780-1300.

Additional Caregiver Resources

- Family Caregiver Navigator: <https://caregivernavigator.org/> or 208-426-5899
- Idaho Legal Aid Services: <https://www.idaholegalaid.org/> or 208-746-7541

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Caregiving

A caregiver is a family member or friend who is providing direct care to a sick, elderly, or disabled person. This care might be provided paid or unpaid. This brochure attempts to answer common questions caregivers may have.

Can I be compensated for providing care?

- Family members caring for a loved one on Medicaid can receive payment for their care by becoming a “certified family home” (CFH). In order to operate a CFH, a care provider must be an adult living in the home and must go through the application process with Idaho Department of Health and Welfare. CFH residents may be eligible for Medicaid to cover their long-term care costs, such as the cost of the CFH room and board. A Certified Family Home provider may care for a family member or a non-family member. No more than 4 individuals can be cared for in a CFH and it is usually 1-2 persons. If you have questions about Medicaid long-term care eligibility, you can contact Idaho Legal Aid Services. For questions about CHF's, call the Certified Family Home program at 208-334-0706.

Are there legal tools available that could assist me with caregiving?

- **Powers of attorney.** A power of attorney (POA) is a legal document that gives some type of decision-making authority to an “agent.” on behalf of the person giving the authority, known as the “principal.” There are several types: parental, financial, and health care. A parental power of attorney allows a minor child’s parent to name someone else who can make decisions related to a child’s care. A financial power of attorney allows someone to handle finances, property, and legal/contract matters on behalf of the principal (the person naming the agent to act for them). A health care power of attorney allows a caregiver or other trusted person to make medical decisions on one’s behalf when one is no longer able to make their own decisions. A POA must be “durable” to continue to be in effect after the principal is no longer competent. A power of attorney can give a caregiver authority to handle financial, legal, and health care matters on behalf of the person they provide care for. The person signing the power of attorney must be competent, meaning they can understand and explain what powers they want to grant and to whom. Seniors interested in creating power of attorney documents can contact Idaho Legal Aid Services at 208-746-7541 for possible assistance.
- **HIPAA release.** Under the Health Insurance Portability and Accountability Act, health care providers cannot disclose any medical information to others, including caregivers and family members. For that reason, a care recipient who would like to have their caregiver help make medical decisions or manage their medical appointments should consider signing a HIPAA release form that will allow their health care providers to discuss appointments, treatments, and other health information with their caregiver.

- **Representative Payee Appointment.** The Social Security Administration’s Representative Payee Program provides benefit payment management for Social Security and SSI recipients who are incapable of managing those payments themselves. Social Security Administration will appoint a representative payee to manage the payments for the benefit of the recipient. The rep payee must keep records of how all payments are spent, and generally, an annual Representative Payee Report has to be completed. If someone is in need of help managing benefit payments, the first step in the process is to contact Social Security at 1-800-772-1213 to request an appointment.
- **Supported Decision-making.** Supported Decision-Making (SDM) involves person-centered planning and decision-making that can be used as an alternative to guardianship. The emphasis is on personal choice, based on information and advice from trusted advisors. Any person, regardless of their legal competency, can use SDM as long as they are able to communicate and have the ability to make choices. Supported Decision Making has many benefits. It empowers a person with limited or declining capacity to make choices about their life and it protects that person’s constitutional rights by avoiding a guardianship or conservatorship. You can learn more about Supported Decision Making at <http://supporteddecisionmaking.org/>. You can get assistance with Supported Decision Making by contacting one of the following:
 - Idaho Council on Developmental Disabilities at 208-334-2178
 - Disability Rights Idaho at 866-262-3462
 - A lawyer can help plan for SDM by helping draft powers of attorney and/or a SDM Agreement. For qualifying clients, Idaho Legal Aid Services can provide this type of assistance for free.

What are my legal obligations to the people to whom I provide care?

- Once you have assumed the role of caregiver, that creates a duty of care. A “duty of care” is a legal responsibility that one person has to another person to act with reasonable attention, caution, and prudence, and to avoid behaviors that could reasonably be expected to cause harm. When a person does not meet their “duty of care,” this is considered negligence and could be the basis for a civil lawsuit and damages. As a caregiver, you should know that if you are in a situation where you cannot provide the same level of carefulness as a “reasonable person” in a particular caregiving duty, you should seek out help. There are times, or situations, where caregiving may be too difficult and it is better to reach out for help than risk not meeting a duty of care.
- A fiduciary duty is a very specific “duty of care” related to financial matters, namely, that the fiduciary will act in a way that will financially benefit someone else. A fiduciary relationship can be created through a contract, powers of attorney, conservatorship, or other agreement where one person will be managing financial matters for another. If a fiduciary breaches their fiduciary duties, they can be sued and held liable for damages resulting from that breach. Caregivers with fiduciary duties should keep thorough records of all financial transactions so you can easily prove you have met your fiduciary obligations. This can be as simple as keeping a log book with receipts.