

# LEGAL EASE



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## Seniors and when to stop driving

Learning to drive is a rite of passage for many persons, and being able to continue to drive and maintain independence is extremely important to those years past the teenage years. Many families struggle with loved ones who are aging and resisting giving up the keys to the car. It is not a simple matter, not “black and white” in most cases, to determine when and if an older person should stop driving, and how to convince them to do so.

Many senior men come from a generation where they were the “bread winners” and their idea of manhood is tied up with maintaining their independence. In suburban and rural areas, the family car is often vital in maintaining that independence since no readily available forms of transportation exists in many cases. Even those who are not seniors, faced with the prospect of not being able to drive, even temporarily, rail against the restriction. Imagine being told that you will never be able to drive again. Simply removing the car keys without viable alternatives is going to result in significant resistance from the senior.

Fortunately, there are resources available to help families to work through this before this becomes a crisis. Seniors with a dementia diagnosis or with other health issues that impact their safety on the road, will eventually come to need the intervention of loving family members who are protecting their loved one as well as others on the road. The law firm of Fleming and Curti, PLC has an article on their website that is very informative (<http://issues.flemingandcurti.com/2013/03/31/driving-aging-and-dealing-with-family-dynamics>). Among the resources listed is “We Need to Talk,” which is produced by AARP, MIT’s Age Lab, and The Hartford Insurance Company. There is a free webinar on the AARP website that can be extremely helpful ([http://www.aarp.org/home-garden/transportation/we\\_need\\_to\\_talk/](http://www.aarp.org/home-garden/transportation/we_need_to_talk/)). The Hartford Insurance Company has many publications on their website that available for download or to print or to order ([www.thehartford.com/mature-market-excellence/publications-on-aging](http://www.thehartford.com/mature-market-excellence/publications-on-aging)), including another recommended resource “At the Crossroads.”

Those who are concerned that they might not recognize the need to stop driving someday might be interested in signing an agreement with family that would allow you to name someone to take control and stop you from putting yourself and others at risk. Such an agreement would likely not be legally binding, but like a Living Will, starts the conversation when it is still possible to have this conversation. There is a form in the publication “At the Crossroads” that some might find helpful.

Jeffrey Marshall CELA writes a blog and posted an excellent article on this subject in 2102 ( go to the Marshall Estate and Elder Planning Blog and search for what to do when dad shouldn’t be driving). Jeff lists some resources including looking for driver refresher courses through AAA and consulting Consumer Reports for the best cars for older drivers. The Pennsylvania Department of Transportation offers some guidance for children who wish to evaluate a parent’s driving abilities. There is also a website for “Seniors for Safe Driving” ([www.sfsd-pa.com](http://www.sfsd-pa.com)).

There are resources available to help you to have this conversation with a senior loved one, or to look at the situation for yourself. Take the time to be sure that you are taking the right steps and at the right time.