

Why Do I Need An Elder Law Attorney?

STORY: KEN POTTER
RHP LAW GROUP LLC

This is a question I hear often. The answer is: to plan for your future disability. People are living longer than ever before, and see more costs due to long-term illness, which requires planning more than ever before. Elder Law encompasses all aspects of planning for aging, illness, incapacity, and death. The laws and the government programs designed to assist our aging population are increasing in complexity. An experienced elder law attorney is particularly sensitive to the legal issues impacting elderly clients and will help you navigate through these complex laws to focus on your future wants and needs.

Although it is not a popular topic of conversation, long-term care is an increasingly important one. Statistically, upon reaching age 65, 7 out of 10 people will eventually need some form of long-term care. Despite this information, most Americans are not prepared for the costs of needing long-term care. Although most are concerned over leaving family with debt or becoming a burden on their loved ones, many do little to alleviate these concerns by planning. Planning for long-term care costs is imperative to protect a spouse or special needs child, and ultimately an inheritance.

Planning is more than just death and distribution. If you don't protect assets from long-term care costs, there may be nothing left to distribute upon death. The greatest threat today for disinheritance of an heir or poverty of a spouse is long-term care costs. Currently,

the statewide cost for room and board at a nursing home is \$10,043.28 per month or \$330.19 per day. Could you afford to pay for several years of private nursing home care?

An elder law attorney focuses on the question "What happens if I live?" and helps you plan for this real possibility. Additionally, the elder law attorney will focus on asset protection so as not to leave a financially vulnerable spouse at home. In other words, the role of the elder law attorney includes protecting assets from depletion due to long-term care costs, for the protection of the spouse at home, and ultimately, to preserve an inheritance. Planning for long-term care is essential to preserving elderly clients' comfort and resources during their lifetimes.

An elder law attorney has specialized knowledge in several areas of law critical to senior citizens and their families. An elder law attorney is aware of the real-life problems, that seniors experience as they age. An elder law attorney deals with legal issues involving:

- **HEALTH AND PERSONAL CARE PLANNING TO MAKE ARRANGEMENTS FOR YOUR CARE IF YOU BECOME SICK, WHICH INCLUDES THE FOLLOWING TOPICS:** Health Care Powers of Attorney, Advance Directives which are also known as Living Wills, HIPAA Authorizations, and Caregiver Agreements

- **RESIDENT RIGHTS AND ADVOCACY IN LONG-TERM CARE FACILITIES**
- **CAPACITY ISSUES, GUARDIANSHIP, AND, MOST IMPORTANTLY, GUARDIANSHIP AVOIDANCE**
- **FINANCIAL PLANNING, WHICH INCLUDES:** Financial Powers of Attorney, asset protection, working through family issues, Wills and Trusts to name the person you want your money and property to go to.
- **PLANNING FOR A "HEALTHY SPOUSE" WHEN AN ILL SPOUSE REQUIRES LONG-TERM CARE, WHICH INCLUDES:** asset protection and obtaining eligibility for public benefits such as Medicaid or VA benefits
- **PLANNING FOR ADULTS WITH SPECIAL NEEDS**
- **PROBATE**

For example, an elder law attorney will review your existing financial Power of Attorney to determine if it meets your current and future needs. Does it contain the important elder law planning language needed to save the maximum amount of assets in a crisis situation, where a person is entering a long-term care facility? Even in a crisis, an elder law attorney can protect a portion of the assets at risk if the proper documents are in place, with the appropriate planning language. Without this necessary language, you

will be unable to preserve the maximum amount of assets in a crisis and may need court intervention. Court intervention does not guarantee that it will permit long-term care planning.

Another example is whether your Will meets your current needs. A person's documents need to change as they age and their circumstances change. What was adequate in your thirties will often not be suitable in your sixties and beyond. If you have a Will and are married, I am willing to wager it is what I call a "Sweetheart Will". That means if you pass away, you leave all your assets to your spouse. That type of Will is not good planning if your spouse is in a nursing home, because everything you leave him or her would go to their long-term care costs. An elder law attorney would prepare a Will that, upon your death, preserves a substantial portion of those assets from the institutional spouse's long-term care costs, providing for their comfort and ultimately leaving an inheritance.

Who can help you put your financial and legal matters in good order? As important as it is to pick a physician with the proper skills, expertise and training, it is just as important to pick the proper attorney. RHP Law Group has spent more than 40 years helping clients navigate through the complex area known as elder law. If you would like to discuss your situation further, please contact Kenneth Potter at (570) 743-2333 or (888) 505-6115. You can also find more information on our website www.rhplegal.com.

With a 44 year history and a commitment to the future, we are ready to provide "The Comfort of Confidence."

You won't know if your **estate plan** didn't work, but your **family** will.

ATTEND A FREE SEMINAR TO LEARN:

- Why estate planning is not only for the wealthy
- How to avoid the heartache and cost of a guardianship
- How to protect your legacy from a child's divorce
- How to protect your children from being disinherited if your spouse remarries
- The cost and consequences of not planning



Attorney Karen Hackman can help you to be proactive about planning for the unpredictable with a comprehensive estate plan.

OFFERING FREE SEMINARS

Call us today for the next available date(s) and reserve a seat to attend either or both seminars.



The Comfort of Confidence.

1372 N. Susquehanna Trail
Suite 130, The Courtyard Offices
Selinsgrove, PA 17870
570-743-2333 • 888-505-6115
www.rhplegal.com

Will the cost of **long-term care** be more like long-term **despair**?

ATTEND A FREE SEMINAR TO LEARN:

- Do I need a power of attorney?
- Should I transfer my home to my kids?
- Can my kids be liable for my nursing home care costs?

It's always best to plan ahead. But it's never too late to do something.



In this free seminar presented by Attorney Ken Potter, you will learn that something always can be done to protect the loss of assets to nursing home costs.

1430590309