

In Consideration of Agi

Seeking Information and Assistance Can Be the First Step to Financial and Emotional Peace of Mind

Elder law, unlike so many areas of legal practice, is not confined to one area of the law. It is unique in that it focuses on the legal issues facing a specific age group of clients rather than a particular legal issue. More specifically, elder law deals with the multitude of legal issues facing seniors and their caregivers. I am often asked how elder law is different from traditional estate planning such as wills and trusts. I believe the best description is to say that estate planning is a subcategory of elder law because elder law, in addition to traditional estate planning, involves issues such as:

<i>Estate preservation</i>
<i>Medicaid</i>
<i>Supplemental and long-term care insurance</i>
<i>Medicare</i>
<i>Housing issues</i>
<i>Nursing home issues, including discrimination, patients' rights, and nursing home quality issues</i>
<i>Elder abuse, neglect, and exploitation</i>
<i>Healthcare quality</i>
<i>Consumer protection issues</i>
<i>Estate planning</i>
<i>Planning for disabled children</i>
<i>Disability planning, including the use of durable powers of attorney, living trusts, and living wills</i>
<i>Conservatorships and guardianships</i>

One of the most common issues clients seem to be concerned with is planning for long-term care or an extended stay in a nursing home. Many aging adults are often worried about whether or not they will be able to pay for a long-term stay in a nursing home. Attorneys and counselors are often called on to assist clients with developing a comprehensive estate plan which includes a plan for long-term care and disability planning.

For those clients who do not have funds available to pay for nursing home care, I have assisted with qualifying them or their spouse for Medicaid, which is the only government program, excluding veteran's benefits, that may help pay for long-term care costs. I am often asked to assist with those issues because Medicaid eligibility rules are complicated, and each state, within established federal guidelines, has its own Medicaid rules.

The relationship between the elder law attorney and client is holistic in that it covers not only legal issues but also involves a personal relationship. That requires the attorney to relate to and understand what the client wants and/or needs not only from a legal perspective, but also with an understanding and a sensitivity of the aging process and recognition that physical limitations or advanced age does not imply incompetence or disability. That often requires the attorney to make clients feel comfortable so they will engage in full disclosure of their situation and concerns.

Oftentimes, I am not only dealing with a client's legal issues, but issues surrounding family disputes and a senior's sense of loss of independence. Of course, it is this aspect of the relationship which I find especially rewarding. At the end of the day, it is a good feeling to know that you have given someone peace of mind or helped them to resolve a difficult problem. ■

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