



Monthly Newsletter November 2014



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Five Things that Elder Law Attorneys are Thankful For

This is the time of year we like to pause and reflect on that for which we are thankful. In our personal lives, we often share these thoughts around the table at Thanksgiving. In our professional life, the words “thank you” are not said often enough. We would like to dedicate this issue of The ElderCounselor to say “thank you” for the people and things that make our lives more fulfilling. Here are five things we Elder Law attorneys are thankful for.

The Ability to Help Clients Plan Before a Crisis Happens

Elder Law attorneys care greatly for their senior clients and like to see things go smoothly for them, especially as difficult issues arise, such as finding and paying for long-term care. Clients who understand the need to plan early are more likely to find a smooth path into these transitions.

While typical estate planning includes planning for incapacity during one’s lifetime as well as distribution of one’s assets upon their passing, Elder Law attorneys have an added focus of planning with long-term care in mind. Often a traditional estate plan will have the same *documents* that an Elder Law attorney puts in place, like a Revocable Living Trust; a Pour-Over Will; a Durable Power of Attorney; a Health Care Power of Attorney; and a HIPAA Authorization. However, the provisions within the documents vary significantly depending on the focus of the attorney drafting them. Because one focus of

the Elder Law attorney is to help clients plan for the possibility of needing long-term care while protecting the home and other assets, our planning documents often include an irrevocable trust designed specifically for this purpose. Other documents, like the Durable Power of Attorney, will include *enhanced* powers that allow the agent to engage in Medicaid and/or Veterans Administration (“VA”) pension planning.

Adding enhanced provisions to existing planning documents enables those trusted persons to pursue additional planning strategies if and when the time comes for the senior to utilize long-term care. When the time comes for Medicaid planning or VA pension planning, it is imperative for the trustee and/or the agent to have the authority to take specific actions on behalf of the elderly person, like the authority to establish and fund an irrevocable trust, file a Medicaid application or prepare a VA pension application. The grant of authority must be clearly stated within the documents yet these powers are not normally found in general estate-planning documents.

Having clients in our office long before they are in need of long-term care allows Elder Law attorneys to successfully and efficiently assist clients when they need it. We are all thankful when we have such a client.

Other Professionals

An Elder Law attorney’s office is much more than a place where legal analysis is conducted or where legal documents are prepared. It is also a place where seniors are heard, encouraged to express all of the issues they are facing, and where connections are made.

We are thankful to have ongoing relationships with other professionals that are compassionate about the elderly. Our clients are much better off because of these other professionals. For example, many times a Placement Specialist is needed to help a client find the best facility to meet their long-term care needs. Sometimes a family needs a Care Manager for a variety of reasons including to act as an advocate or to oversee care provided to a loved one. Professional Fiduciaries can be an amazing resource for families as they can alleviate stress from family members allowing family to just “be there” for the senior. CPAs, Financial Advisors, other Estate Planning attorneys, Real Estate agents, Insurance agents and a plethora of other senior-centric professionals are invaluable to the Elder Law attorney devoted to their clients.

These relationships are not only personally fulfilling, but also allow us to comprehensively serve our clients.

Non-Profit Organizations

There are many non-profit organizations that are dedicated to making life better for the elderly and who support Elder Law attorneys and for that we are thankful. These organizations keep us up to date on the issues facing the elderly, give us a heads up on changes in the laws across the country and continue to provide new ideas on how to best serve our clientele. The National Association of Elder Law Attorneys, the Alzheimer’s Association and the National Council on Aging are a few of the organizations that Elder Law attorneys can connect with to better serve our clients. We are all in this together and working toward a common goal to serve seniors and their loved ones the best way possible.

Trustworthy and Committed Family Members

Although we occasionally serve an elderly client who has no family members or close friends, we are thankful when trustworthy and committed family members are available to the client.

Many of the strategies we have available to us only work when a client has trusted people to assist in the strategy. Many thanks go to adult children who are committed to their parents. Spouses who are still devoted to your ill spouse after “how-many-ever” years of marriage are also greatly appreciated by Elder Law attorneys! Without you our work would be much more difficult. Without you, the strategies we employ would fail to work the way they are meant to work. You are vital to the health and welfare of your elderly loved one.

It is often the family member who finds the Elder Law Attorney for the elderly client. As technology changes, the older client sometimes has a difficult time finding the necessary resources. We are very grateful to those family members who seek out an Elder Law attorney and bring us together.

Our Own Support System

Advocating for a senior can be stressful for a variety of reasons. While it is one of the most fulfilling jobs we can think of, it brings with it concerns for our clients that can creep up at all hours of the night. As with any professional whose heart is a big part of their service, our support systems are essential to our well-being.

Our support systems include our family members, professional colleagues, neighbors and our friends. Without our supporters, we would be unable to continue doing what we love.

Happy Thanksgiving to all of you! Enjoy your family and friends this holiday season. If you have any clients or know of anyone who would benefit from the assistance of an Elder Law Attorney, please do not hesitate to contact us. We are always happy to hear from you and your clients. Happy holidays!