

What is Elder Law?

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As we age, navigating the complexities of legal, financial, and healthcare systems can become increasingly challenging. This is where elder law comes into play. Elder law is a specialized area of legal practice that focuses on issues affecting older adults and their families. It encompasses a wide range of topics, including estate planning, long-term care, guardianship, and elder abuse. As an elder law attorney, I am dedicated to helping seniors and their families understand and address these critical issues.

Estate Planning

One of the primary components of elder law is estate planning. This involves preparing for the management and distribution of an individual's assets after their death. Estate planning can include the creation of wills, trusts, and powers of attorney. A will allows you to specify how your assets should be distributed, while a trust can provide more control over your assets during your lifetime and after your death. Powers of attorney designate someone to make financial and healthcare decisions on your behalf if you become incapacitated.

Long-Term Care Planning

Long-term care planning is another crucial aspect of elder law. As we age, the likelihood of needing assistance with daily activities increases. Long-term care planning involves making arrangements for this care, whether it be in-home care, assisted living, or nursing home care. An elder law attorney can help you understand your options and develop a plan to pay for long-term care, which may include long-term care insurance, Medicaid, or other financial resources.

Guardianship and Conservatorship

In some cases, an older adult may become unable to make decisions for themselves due to cognitive decline or other health issues. When this happens, a court may appoint a guardian or conservator to make decisions on their behalf. Guardianship involves making personal and healthcare decisions, while conservatorship involves managing financial affairs. An elder law attorney can assist with the legal process of establishing guardianship or conservatorship and ensure that the rights and best interests of the older adult are protected.

Elder Abuse and Exploitation

Unfortunately, elder abuse and exploitation are significant concerns. Elder abuse can take many forms, including physical, emotional, and financial abuse. Financial exploitation,

in particular, is a growing problem, with scammers and even family members taking advantage of vulnerable seniors. Elder law attorneys play a vital role in protecting older adults from abuse and exploitation by advocating for their rights and pursuing legal action against perpetrators.

Medicaid and Medicare Planning

Navigating the complexities of Medicaid and Medicare can be daunting. Medicaid is a state and federal program that provides healthcare coverage for low-income individuals, including long-term care services. Medicare is a federal program that provides healthcare coverage for individuals aged 65 and older. An elder law attorney can help you understand the eligibility requirements for these programs, assist with the application process, and develop strategies to protect your assets while qualifying for benefits.

Special Needs Planning

Elder law also encompasses special needs planning for individuals with disabilities. This involves creating plans to ensure that individuals with special needs receive the care and support they need without jeopardizing their eligibility for government benefits. Special needs trusts are a common tool used in this type of planning, allowing assets to be set aside for the benefit of a person with disabilities without affecting their eligibility for programs like Medicaid and Supplemental Security Income (SSI).

Veterans' Benefits

Many older adults are veterans who may be eligible for various benefits through the Department of Veterans Affairs (VA). These benefits can include healthcare, disability compensation, and pension benefits. An elder law attorney can help veterans and their families navigate the VA system, understand their eligibility for benefits, and assist with the application process.

Conclusion

Elder law is a multifaceted field that addresses the unique legal, financial, and healthcare needs of older adults. As an elder law attorney, my goal is to provide seniors and their families with the knowledge and resources they need to make informed decisions and protect their rights. Whether you are planning for the future, dealing with a current crisis, or seeking to protect a loved one from abuse, elder law can provide the guidance and support you need.

