

Slide 1



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Slide 2



- ❖ "Necessity is the mother of invention." Elder law: Holistic, creative approach to solving aging problems
- ❖ Collaborating with other professionals
- ❖ Elder law attorneys serve clients of all ages, nationalities, gender orientation

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Slide 3



- ❖ Elder law focuses on aging issues at all phases of life
  - ❖ Planning for incapacity and surrogate decision-making: Guardianship
  - ❖ Estate planning
  - ❖ Paying for long-term care and selecting appropriate trained caregivers
  - ❖ Housing & aging in place
  - ❖ Public benefits (SSI, SSDI, Medicaid VA benefits)
  - ❖ Discrimination
  - ❖ Probate
  - ❖ Preserving settlement proceeds and maintaining government benefits
  - ❖ Preserving inheritance and maintaining government benefits

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Slide 4

**HOW ELDER LAW & SPECIAL NEEDS ATTORNEYS CAN HELP PEOPLE DIAGNOSED WITH A CHRONIC ILLNESS OR INJURY**  
A Road Map to Maintaining Independence and Autonomy

- ❖ **Pre-plan while competent:**
  - ❖ Able to give informed medical consent.
  - ❖ Able to identify family, assets, income.
  - ❖ Oriented to date, time, place.
- ❖ **Proactively control what you can**
- ❖ **Peace of mind + minimize stress**
- ❖ **Update your plan:**
  - ❖ Birth, death, adoption
  - ❖ Marriage, divorce
  - ❖ Relocation
  - ❖ Change in financial situation



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Slide 5

**HOW ELDER LAW & SPECIAL NEEDS ATTORNEYS CAN HELP PEOPLE DIAGNOSED WITH A CHRONIC ILLNESS OR INJURY**  
A Road Map to Maintaining Independence and Autonomy

- ❖ **Financial surrogate decision-making**
  - ❖ What are your assets and how are they titled?
  - ❖ Do you have a list of digital assets?
  - ❖ Do you have business interests?
- ❖ **Durable Power of Attorney**
  - ❖ Who to choose and why?
    - ❖ Trust
    - ❖ Skills
    - ❖ Availability
  - ❖ **Revocable Trust Agreement**
    - ❖ Selecting a trustee and successor trustee
    - ❖ Protections for the client (e.g. bond)
    - ❖ Avoiding probate



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Slide 6

**HOW ELDER LAW & SPECIAL NEEDS ATTORNEYS CAN HELP PEOPLE DIAGNOSED WITH A CHRONIC ILLNESS OR INJURY**  
A Road Map to Maintaining Independence and Autonomy

- ❖ **Medical surrogate decision-making**
  - ❖ Having the conversation with people who know you and who you trust can minimize future stress
- ❖ **Designation of Healthcare Surrogate**
  - ❖ Who to choose and why?
  - ❖ What can the surrogate do? When? HIPAA?
- ❖ **Healthcare Proxy (Fla. Stat. Ch. 765)**
- ❖ **Advance Directives:**
  - ❖ Declaration of Organ Donation
  - ❖ Living Will
  - ❖ Do Not Resuscitate Order
  - ❖ Declaration of Funeral Designee



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Slide 7

**HOW ELDER LAW & SPECIAL NEEDS ATTORNEYS CAN HELP PEOPLE DIAGNOSED WITH A CHRONIC ILLNESS OR INJURY**  
A Road Map to Maintaining Independence and Autonomy

- ❖ **Means of last resort: Guardianship**
  - ❖ Voluntary Guardianship
  - ❖ Property only
  - ❖ With consent
- ❖ Involuntary Guardianship
  - ❖ Person and/or property
  - ❖ Without consent
- ❖ Primary Guardianship
- ❖ Limited Guardianship
- ❖ Emergency Temporary Guardianship
  - ❖ Imminent harm/danger
  - ❖ Financial exploitation
  - ❖ Injunction to protect a vulnerable adult



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Slide 8

**HOW ELDER LAW & SPECIAL NEEDS ATTORNEYS CAN HELP PEOPLE DIAGNOSED WITH A CHRONIC ILLNESS OR INJURY**  
A Road Map to Maintaining Independence and Autonomy

- ❖ **Special Needs Trust (SNT)**
  - ❖ Preserve countable resources
    - ❖ Inheritance
    - ❖ Lawsuit settlement (worker's comp)
  - ❖ Protection from exploitation
  - ❖ Obtain/maintain gov't benefits
  - ❖ Quality of life/quality of care
  - ❖ Disability
  - ❖ Under age 65
  - ❖ Created by you, guardian, parent, grandparent, Court
- ❖ Pay-back at death



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Slide 9

**HOW ELDER LAW & SPECIAL NEEDS ATTORNEYS CAN HELP PEOPLE DIAGNOSED WITH A CHRONIC ILLNESS OR INJURY**  
A Road Map to Maintaining Independence and Autonomy

- ❖ **Pooled Trust**
  - ❖ Same goals as SNT
  - ❖ Managed by charity
  - ❖ Disability
  - ❖ Under or over age 65
  - ❖ Created by you, guardian, parent, grandparent, Court
- ❖ Pay-back at death or, funds benefit charity



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