

## Health and Long Term Care

For clients with chronic or progressive illness, the Elder Law attorney can help make plans for management of personal and financial affairs in the event of later incapacity. Elder Law attorneys often work with an Aging Life Care Professional to help identify the necessary services and appropriate level of care for the individual client, and help the client to get that care in the appropriate setting. The Elder Law attorney can review available sources of payment assistance, including private or employer-provided health insurance, Medicare, Social Security, Disability Income, Medicare supplement policies, Medicare prescription drug benefits, Veterans' Benefits, Medicaid benefits and long term care insurance.

When a client requires long-term nursing home care, we can assist with such issues as reviewing the nursing home admission agreement prior to signing, preventing improper discharge from the facility, and ensuring that the client receives necessary and appropriate services.

If the client may need Medicaid benefits in order to pay for long term care, the Elder Law attorney can help the client develop a financial plan that will comply with local eligibility rules to qualify for Medicaid. Although some hospital and nursing home staff also offer assistance in completing the Medicaid application, they are not qualified to advise or assist the client in determining how to achieve eligibility.

Many Elder Law attorneys advise clients with respect to benefits available through the Department of Veterans Affairs, including the improved pension benefits often referred to as "Aid & Attendance" or "Housebound" benefits. We can also determine whether the client may be eligible for other benefits as a qualified veteran or as a surviving spouse of a veteran.



## Autonomy and Quality of Life Issues

The Elder Law attorney tries to be aware of the needs of the entire person, including considerations of family and financial matters, to enhance the client's autonomy and "quality of life" throughout the lifespan.

Elder Law attorneys assist clients to prepare for and make proactive arrangements for continuing management and decision-making in the event of diminished mental capacity. We help our clients to identify appropriate agents for financial decision-making, frequently designated through a durable general power of attorney and sometimes through a trust, as well as health care decision-making, typically designated through an advance medical directive or medical power of attorney. Where advance planning has not been undertaken, we also assist clients in seeking court appointment of decision-makers such as a guardian to manage health and personal matters, and/or a conservator to manage business and financial matters. The Elder Law attorney may act on behalf of a petitioning party, on behalf of the elder objecting to the imposition of a guardian or conservator, or as a guardian ad litem investigating on behalf of the court. Some Elder Law attorneys also serve as fiduciaries, acting as guardian or conservator for those who can no longer act for themselves.

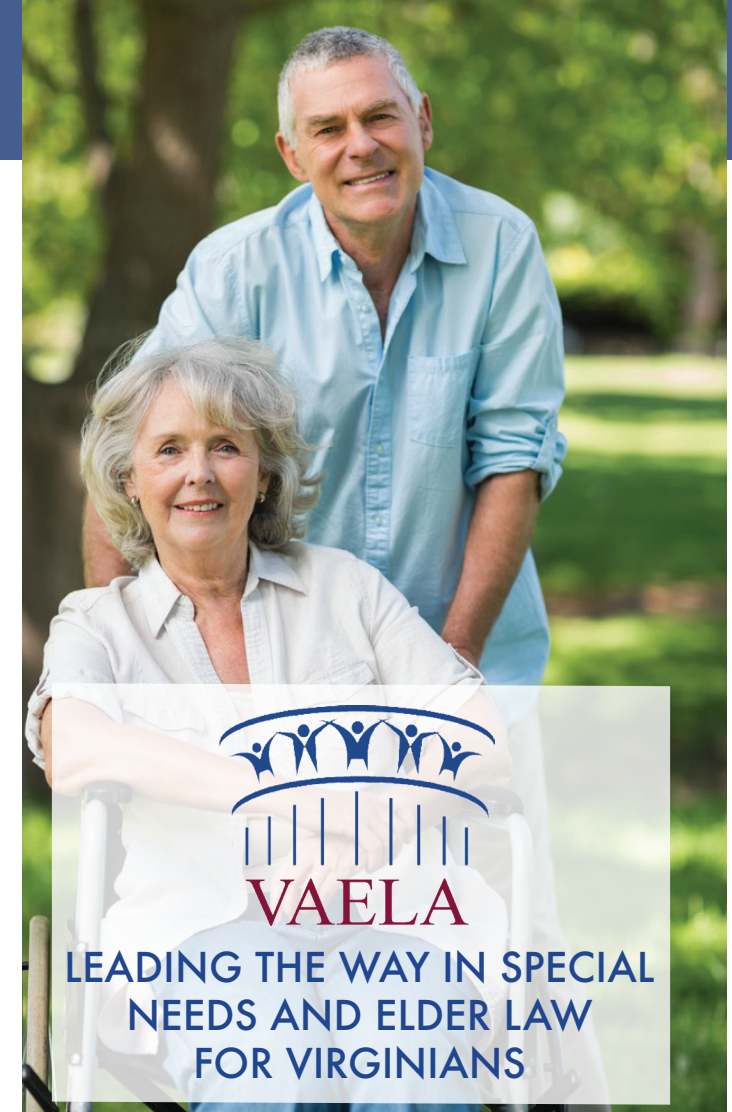


[vaela.org](http://vaela.org)

## LEADING THE WAY IN SPECIAL NEEDS AND ELDER LAW FOR VIRGINIANS

*The Virginia Academy of Elder Law Attorneys (VAELA) is a non-profit professional association of attorneys engaged in the practice of Elder Law. VAELA provides its members and others information and assistance regarding needs and solutions for the elderly and disabled, their families, their caregivers and their advocates. For further information, please visit the website at [VAELA.org](http://VAELA.org).*

## How Can An Elder Law Attorney Help Your Family?







## What Is Elder Law?

*The practice of Elder Law integrates legal counseling for older persons and their representatives with advocacy for, and protection of, their needs and rights.*

As attorneys who work regularly with the elderly population (generally defined as those age 60 and older), we bring more to our practices than simply knowledge of the law: we also help plan and prepare for the future. By considering the current legal, financial, social, medical, and housing needs of our clients, and anticipating what those needs may be in the future, we can help families understand and prepare for the demands of aging. Our understanding of the aging process enables us to appreciate the challenges faced by our senior community. We understand the “real life” problems, health and otherwise, that come with aging.

As attorneys who focus our practices on

representing and assisting the elderly, we have a variety of legal tools and techniques to guide and counsel older clients. We are frequently called upon to assist clients in such areas as:

- *estate planning*
- *financial well-being and planning*
- *housing*
- *health and long term care coverage*
- *autonomy and quality of life issues*

In addressing these issues, Elder Law attorneys often work with other professionals, including Aging Life Care Professionals, financial planners, accountants, insurance agents, housing specialists, and community agencies such as the Area Agencies on Aging. The services provided by the Elder Law attorney may include legal counsel and advice, recommendations and referrals to other service providers, preparation of documents to accomplish the client’s goals, negotiation, and representation in administrative and court proceedings.

## Estate Planning and Financial Well-being

The Elder Law attorney can review existing estate planning documents to make sure they reflect the client’s current wishes. If documents were prepared in another state, the Elder Law attorney can determine whether changes should be made to comply with Virginia statutes and procedures. If the client has not yet executed suitable estate planning documents, the Elder Law attorney can assist in developing a plan to provide for management and decision-making both during the client’s life and after the client’s death. If there is a need to provide for a person under a disability, such as a child or grandchild, the Elder Law attorney can assist in developing an appropriate mechanism to properly provide for the disabled person without jeopardizing that person’s eligibility for critical benefit programs. The Elder Law attorney can also develop plans to minimize any negative tax effects.

As Elder Law attorneys, we also work with our clients to evaluate current assets and sources of income, and to assess whether additional support may be available, either in the short term or in the long term. The Elder Law attorney can help evaluate various options for paying for long term care, including long-term care insurance, Veterans’ Benefits, home equity conversion through a reverse mortgage, and Medicaid benefits, and can help maximize resources available to a spouse who remains at home when the other spouse enters a long-term care facility.

In addition, the Elder Law attorney is attuned to signs that a client may be experiencing financial exploitation or abuse by family members, caregivers, or others. We can recommend steps to prevent exploitation, to help terminate or reverse adverse actions, to secure support through the local Adult Protective Services office or through court proceedings and to otherwise protect and defend against such exploitation.



## Housing Issues

*The Elder Law attorney can help evaluate options and maximize resources available when a senior wishes to remain at home or when it’s necessary to enter a long-term care facility.*

One of the key issues we must address as we age is our changing housing needs. The large home that once held a family with young children may not be suitable for an older person with a walker who can no longer manage the stairs on a regular basis. Perhaps home maintenance has become difficult, and downsizing to a condominium or maintenance-free townhome is desirable. If in-home services could enable you to live independently at home, the Elder Law attorney can identify options and explore sources of payment for those services. If remaining at home is no longer appropriate for your needs, we can assist in the assessment of other housing options such as senior living facilities, assisted living facilities, continuing care retirement communities, and skilled nursing facilities. The Elder Law attorney is knowledgeable about these options and the basic costs of each, and can help you prepare for your changing needs.