

What is Elder Law?

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People often ask how Elder Law differs from traditional Will preparation or Estate Planning. While I and many other Elder Law attorneys offer those services, the focus in Elder Law is on the older person themselves rather than simply on their property and money. Although documents are frequently prepared, the Elder Law attorney's counseling services are usually much more valuable.

First, we ensure that each client has an appropriate Will, General Durable Power of Attorney, and a Health Care Power of Attorney with an Advance Declaration of Health Care ("Living Will"). Then, we review the client's or couple's assets to plan for their distribution either during life or upon death. Together, we develop a plan which allows the client to live his or her remaining years with dignity. Also, if one spouse needs to enter a nursing home, the Elder Law attorney will make sure that the spouse remaining behind can keep as much of the couple's life savings as possible. The Medicaid rules change almost daily, creating both pitfalls for the unwary, but also opportunities for the early planner. Frequently, the service benefits the client's heirs, but the primary thrust of the Elder Law attorney is to make certain that the elderly person's lifetime needs are met.

In addition to planning for the possibility of long-term illness, an Elder Law attorney can advise clients and their families after such illness occurs. Savings opportunities still exist even after someone has entered the nursing home. If a client inherits some money after entering a nursing home and even if they are already on Medicaid, it may be possible to preserve some of this wealth for the client and his/her family