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Five Things that Elder Law Attorneys are Thankful For

<u>The Ability to Help Clients Plan Before a Crisis Happens</u>

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 Financial 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 MaineCare 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 MaineCare 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 senior, like the authority to establish and fund an irrevocable trust, file a MaineCare 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 seniors. Our clients are much better off because of these other professionals. For example, many times a geriatric care manager is needed to help a client find the best living arrangements to meet his/her long-term care needs and 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. Accountants, financial advisors, real estate agents, insurance brokers 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 seniors, give us updates 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 a senior 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 loved one.

It is often the family member who finds the Elder Law Attorney for the senior 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.