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LTC Update

How Elder Law Can Help You

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The specialty of **Elder Law** is becoming more important as our population ages. People are living longer, but in many cases, are not living better. "The number of older individuals in the population is projected to increase to 71.5 million in 2030, representing nearly 20 percent of the U.S. population. As a result, the need is growing for specialized legal advice about aging-related issues." (1)

First, let's define exactly what Elder Law is and why it might be of interest to you.

What is Elder Law?

The National Academy of Elder Law Attorneys states the following about defining Elder Law:

"Elder Law is a specialized area of law that involves representing, counseling, and assisting seniors and their families in connection with a variety of legal issues, from estate planning to long term care issues, with a primary emphasis on promoting the highest quality of life for the individuals. Typically, Elder Law attorneys address the client's perspective from a holistic viewpoint by addressing legal, medical, financial, social and family issues."

Does this sound like something that would be valuable to you or someone you know?

"Every day, 10,000 Americans celebrate their 65th birthday. While the U.S. is experiencing a longevity revolution, at the same time our aging nation is triggering a Silver Tsunami of chronic age-related disease that bring with it increased national health care spending, high rates of morbidity and mortality, and declines in quality of life." (2)

What are some specific examples of how Elder Law can help you?

Overcome the Potential for Financial Exploitation

The trusting nature of many elderly people makes them vulnerable to financial exploitation.

All elderly should be made aware of and told to avoid any financial transactions that require up front deposits. No contracts are to be signed without two or three days of consideration in consultation with knowledgeable family members. All dishonest schemes promulgated through the mail are guilty of mail fraud and appropriate complaints should be filed. All states have consumer-reporting departments to take complaints on consumer fraud. Again a good source for help is your local area agency on aging.

Here are some examples of the most common types of financial exploitation:

- Telephone Solicitations for Dishonest Charities or Fraudulent Investments
- Identity Theft to Get Credit Card Numbers and Other Information
- Pay in Advance Prize-Winning Schemes
- High-Pressure Door-To-Door Sales
- Dishonest Home Improvement Contracts
- Dishonest Miracle Health Cures
- Unnecessary Living Trusts through a Trust Mill
- Dishonest Funeral Arrangement Plans

Settle Family Disputes

"For some lucky families, having a bunch of adult siblings gather around and plan how to take care of Mom and Dad as their parents' health begins to fail is a great comfort. For some families, siblings who never got along as kids and have had little to do with each other as adults being thrown together to make touchy decisions is disastrous." (3)

It is becoming more common to use an attorney, an arbitrator or a mediator in solving disputes among family members relating to the care of elderly parents. For instance, one child may have stolen assets and the rest of the family wants that person brought to justice. There may be a disagreement over the final disposition of property in an estate plan and it may take an attorney to solve that. A lawyer may be necessary to settle the differences either through the courts or through mediation.

"Ideally, before things get to this stage, you've had conversations with your parents about how they want their needs met during their later years. They've made out the papers naming a Power of Attorney for Health Care (a health directive indicating who will make health decisions if they can't and detailing their preferences for treatment) and a Power of Attorney for financial affairs. A will should be part of this, as well as other personal papers. Ideally, as well, all siblings are aware of these papers, what they contain and all are in agreement. Ideally – taking care of the elders becomes a family affair. However, life is seldom ideal." (4)

Age Discrimination in the Workplace

The "Baby Boomers" will cause a significant increase in the older population until 2030, when the last of this group reaches old age.

The Age Discrimination In Employment Act protects people who have been laid off or fired because of age discrimination. Some companies consider older employees less valuable than younger employees. As baby boomers approach their 60s, many will be opting to continue employment or find employment with another company. Age discrimination issues will become more prevalent in the coming years.

"Nine Signs of Age Discrimination:

1. Biased comments
2. Comparisons
3. Disparate discipline
4. Promotions
5. Favoritism
6. Hiring younger employees
7. Suddenly stupid
8. Harassment
9. But the boss is older" (5)

Help with Medicare and Medicaid

Qualified legal help is available from elder law attorneys to help individuals in applying for and accelerating payments for [Medicaid](#). An elder law attorney can also help with disputes with Medicaid. Likewise attorneys who specialize in Medicare can help with disability claims and sometimes this help is the only way claims are ever granted. The local area agency on aging has an advisory service for help with understanding Medicare, [Medicare supplements](#), Medicare advantage and Medicare part D.

"People with Medicare, family members, and caregivers should visit www.Medicare.gov, the official U.S. Government site for people with Medicare, for the latest information on Medicare enrollment, benefits, and other helpful tools."[6]

If you feel that you or someone you know could benefit from having [Elder Law services](#), one place you could look to find elder law attorneys is on the [National Care Planning Council's](#) Website at longtermcarelink.net.

Sources:

- (1) www.naela.org
- (2) www.silverbook.org
- (3) ,(4): www.agingcare.com
- (5): <http://jobs.aol.com>
- (6): www.cms.gov

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