

Elder Law Attorneys Specialize in Helping the Elderly



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Many elderly persons rely entirely on their children, family members or other trusted individuals to help them. This dependence upon caregivers or family members makes an older person more vulnerable to abuse and financial exploitation. Legal arrangements and protective actions by family may be necessary to shield loved ones from making bad decisions or from being taken advantage of.

Though you wouldn't think a child could take advantage of his or her mother or father, there is no way to know what someone will do who is desperate for money or who feels entitled to an inheritance. For example:

David's parents' health was failing and living alone in their home was becoming a concern. His sister Jill wanted to look into assisted living for them. David immediately became upset at Jill for wanting to spend their money. He packed up his parents and brought them to his home. Being single and working, he was not available to them during the day, but left food and water on the table to sustain them until he returned home in the evening. Jill lived over 300 miles from David and when she could get to his house to visit; she found her parents' care was not acceptable. They could not remember if they took their medications or if they had even eaten a meal that day. David was also draining their savings account and when confronted about it, became angry and complained that he needed their money to pay expenses for their care. Clearly Jill felt her brother's care of their parents was abusive, but David's defense was he provided a home for his parents in which he could care for them. This family needs a professional advisor to help them understand and clarify the issues concerning their parents' care.

Making legal decisions about property, finances, power of

attorney, and final wishes are important tasks to complete for the final years of life. Having legal documentation for a will, for medical treatment and for the person designated to be responsible for parents' welfare can avoid family disputes and financial abuse, and help to conserve assets that are needed for care.

Elder law attorneys specialize in legal issues affecting the elderly. They are knowledgeable about Medicare and Medicaid programs. They work with the elderly in assisting them and their families with all aspects of estate planning and implementing necessary legal documents for the final years of life. In addition, they help individuals to apply for and possibly accelerate coverage from Medicaid. An elder law attorney can also help with disputes with Medicaid. Below is a partial list of what an elder law attorney might do:

- Preservation or transfer of assets seeking to avoid spousal impoverishment when a spouse enters a nursing home
- Medicaid qualification and application and Medicaid planning strategies
- Medicare claims and appeals
- Veterans Benefits claims
- Social security and disability claims and appeals
- Disability planning, including use of durable powers of attorney, living trusts and living wills
- Help with financial management and health care decisions; and other means of delegating management and decision-making to another in case of incompetence or incapacity
- Probate
- Administration and management of trusts and estates
- Long term care placements in nursing homes and assisted living
- Nursing home issues with patients' rights and nursing home quality
- Elder abuse and fraud recovery cases

A Certified Elder Law Attorney (CELA) is an elder law attorney who is highly proficient in meeting the legal needs of elders and in understanding and applying the rules of Medicaid. A CELA has successfully handled a requisite number of pertinent cases in order to receive that designation. This experience will make an attorney with this designation more competent with elder planning issues than other attorneys lacking this designation.

Most elder law attorneys do not specialize in all of the areas iterated above. When considering an attorney you will want to find one who has experience in the area you need help.

According to The National Academy of Elder Law Attorneys -- <http://www.naela.org/>:

"Ask lots of questions before selecting an elder law attorney. You don't want to end up in the office of an attorney who can't help you. Start with the initial phone call. It is not unusual to speak only to a secretary, receptionist or office manager during an initial call or before actually meeting with the attorney. If so, ask this person your questions.

- How long has the attorney been in practice?
- Does his/her practice emphasize a particular area of law?
- How long has he/she been in this field?
- What percentage of his/her practice is devoted to elder law?
- Is there a fee for the first consultation and if so, how much is it?
- Given the nature of your problem, what information should you bring with you to the initial consultation?"

A good way to choose an attorney is by referral from friends, family, clergy or other associations. Before you meet for your initial consultation, prepare the items you want discussed and taken care of. Bring pertinent documents and questions. Be sure you get clear answers and that you understand what your attorney is proposing.

Two-way communication is the best way your attorney can understand your needs and concerns. Does the attorney listen to what you say, appear to really care about your concerns or return your phone calls? If not find another attorney. Most Elder law Attorneys sincerely want to help make you or your parent's elder years a well planned for, peaceful experience for all involved.

There are a number of ways attorneys charge for their

services. They may charge a flat hourly rate. Or they may charge hourly for some services and add on additional expense for out-of-pocket costs such as paperwork, stamps, phone calls, etc. Or they may charge a single fee for a mutually agreed-upon course of action or plan. Some attorneys who specialize in appeals for veterans benefits or Social Security may work on a contingency basis. It is important to understand how you will be billed so there will be no surprises in the end.

Renee C. Rock, Esq., is a partner in Shober & Rock, a Bucks County law firm specializing in elder law. Renee helps her clients with all planning issues including comprehensive case management services for the elderly and their families. The legal and financial details she handles are often related to long term care, including nursing home and assisted living admissions, as well as Medicare and Medicaid, Wills, Living Wills, Powers of Attorney and Trusts.

Renee received her J.D. from Widener University School of Law in 2000 and her B.A. in Business Administration from Arcadia University. She is also a graduate of Manor College with an Associate of Science Degree in Paralegal Studies.

Renee is a member of the American Bar Association, ABA Section on Real Property Probate and Trusts, Pennsylvania Bar Association, Pennsylvania Elder Law Committee, Montgomery County Bar Association, and the Montgomery County Elder Law Committee.

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The attorneys of Shober & Rock have years of experience helping individuals and families with the complex issues of elder law. We are here to help you prepare for and confront what may be the most complex legal hurdles of your life at a time when you may be at your most vulnerable. Protecting and preserving your life's work is our life's work.

Contact us today to learn how we can help.



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