

Lamson & Cutner, P.C.
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Elder Law Crash Course Checklist

1 – Medicaid eligibility. (List the value of each asset, including cash, investments, insurance, real estate, and retirement accounts. Also, list all your income.)

2 – Know what you can lose. (Is there room in your monthly budget to pay the costs of home care, or nursing home care? If not, how long would it be before all of your assets were depleted, if you had to pay for care?)

3 – Better to plan late than not at all. (If the costs of care are already depleting your assets, why are you waiting to obtain the advice of an Elder Law attorney?)

4 – Begin early for the best possible outcome. (Have you already transferred any assets? If so, what, when and to whom?)

5 – Get the right lawyer. (Have you already had a consultation with an Elder Law attorney? Were you satisfied that he or she has the knowledge, experience, and ability to provide the services that you need?)

6 – Going it alone is almost always a mistake. (Have you filled out any documents that have been sent to Medicaid? Are you using any “standard forms” for your Power of Attorney, Will, or other documents? List each one.)

7 – Medicaid and Medicare are completely different. (Are you confused about your Medicare benefits? Are you aware that Medicare does not cover long-term care?)

8 – Use proven asset protection strategies. (Do you have any jointly-owned real estate, or a life estate? Do you have any joint accounts or “in trust for” accounts? Are you aware of the risks of Medicaid estate recovery?)

9 – You can’t just say no. (Are you aware of your spousal obligations of support, and of the consequences of “spousal refusal”?)

10 – Be very careful with your 401k or IRA. (Do you have a retirement account? Are you receiving the “required minimum distribution”?)

11 – Don’t lock up your money. (Do you have any of your money in annuities, or other investments that impose penalties for withdrawal?)

12 – Think about the house. (Would you consider living in an apartment or an assisted living facility?)

13 – If you own a co-op, you’ll likely need professional help. (Does your co-op Board permit transfers of ownership to a trust?)

14 – Hire your kids. (Are any of your children willing or able to help you with your daily care? Are any of them having financial problems?)

15 – Long-term care insurance may not be the answer. (Do you have, or are you considering, long-term care insurance? What are the premiums and terms?)

16 – You get a lot. (Do you have questions about specific Medicaid programs and resources?)

17 – Proper papers make good results possible. (What “legal papers” are now in your possession? List them.)

18 – Let your agent know your wishes. (Do you have a Health Care Proxy or a Living Will? Do family members know your medical care preferences?)

19 – Be smart about the person to whom you give critical responsibilities. (Who do you feel is the most reliable and trustworthy person in your family?)

20 – Guardianships are problematic and often unnecessary. (Are you aware of the costs and procedures involved in a guardianship proceeding?)

21 – Estate issues need your attention now. (Have you organized your affairs so that your assets will go to your beneficiaries in the most efficient manner? If you already have a Will or a revocable Trust, do you want to make any changes?)

22 – Who’s the beneficiary? (List any beneficiary designations you’ve already made, on insurance policies, retirement plans, bank accounts, or other assets.)

23 – Don’t try to hide things. (Do you have any sensitive issues to discuss with your Elder Law attorney?)

24 – Organization is a blessing. (Have you kept good records, and are they well organized?)

25 – Make the choice that’s right for you. (If you aren’t satisfied with your current Elder Law firm, why?)

26 – There’s more money in New York. (Do you have plans to move to another state?)

27 – Special procedures for special needs. (Are you receiving any benefits as an individual with special needs, or is there a special needs person in your family?)

28 – Keep the aide you like. (Do you feel attached to your current aide, and want to keep her?)

29 – Relationships make everything work out well. (Do you need help in dealing with a home care agency or a nursing home?)

30 – You can change things. (If you or a loved one is already residing in a nursing home, are you happy with it?)

**Call 1 (855) 898-1919 to schedule your consultation with
a Lamson & Cutner Elder Law Attorney.**