



# **Estate Planning & Elder Care Basics**

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# Goals

1. Provide basic information about estate planning
2. Define estate planning tools
3. Help you think about your estate planning
4. Provide information about levels of care and possible payor sources



# Elder Care Planning

- Care
- Financial
- Legal



# Questions to ask yourself

- Do I have a legal, formal plan for what happens to my stuff when I die?
- Is there a legal, formal plan for what happens if I become disabled?
- Have I identified helpers and discussed my plans with them?



# Timeline for planning

- Alive and well
- Disabled
- Death



# Goals of Good Planning

- Addresses your needs and those of your loved ones
- Expresses your wishes
- Provides for smooth transitions
- Specific to your situation
- Protects your legacy
- **AVOID CRISIS**

Crisis



Not Crisis





# Keys to Effective Planning

## ***#1 Personalized***

- Addresses your needs
- Follows your wishes

## ***#2 Choose good helpers***

- Can get the job done
- Can keep the peace





# Keys to Effective Planning

## ***#3 Structure of finances fit legal framework***

- Needs to be comprehensive plan
- Organized, thoughtful structure
- Own & Owe List

## ***#4 Protection for family***

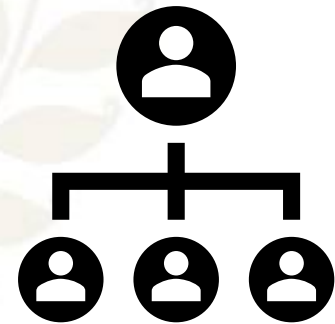
- Common problems: divorce, lawsuits, wild spending.



# Keys to Effective Planning

## ***#5 Updated to current situation***

- Needs periodic review
- Life events: births, deaths, marriages, divorces





# What about dementia?

- A dementia diagnosis does not preclude someone from doing Estate Planning
- Capacity = person's ability to make informed decisions
- We have capacity until we don't.
- Sooner is always better when dementia has entered the picture.



# Estate Planning Tools

## After Death

- Last Will and Testament
- Disposition of Remains

## During Life and After Death

- Trust

## During Life

- Power of Attorney
  - Property
  - Healthcare
- Living Will





# Last Will and Testament

- Designed to go through probate process
- Name executor(s) and basic instructions for distribution of property
- Filed with county at time of death
- Not private or efficient
- Limited protections
  - Divorce, wild spending



# Trusts

- Different types dependent upon needs
- Avoids probate court
- Private, efficient, and organized
- Can build in specific protections
- Can set rules for if/when disabled
- Assets must be retitled to be “in” the trust



Questions?



# Powers of Attorney

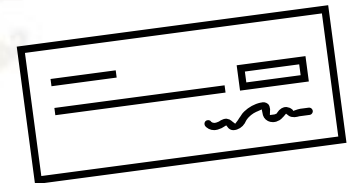
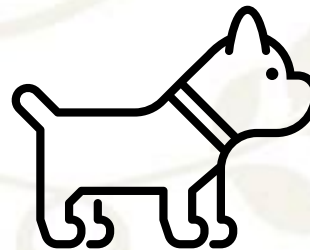
- Two types – Property and Healthcare
- Everyone over 18 should have both
- Language confusion
  - Document(s)
  - Person put in charge – “agent”
- Name an agent to be in charge under conditions specified
  - Only one agent at a time
  - Recommend naming successor agent(s)





# Power of Attorney - Property

- Agent has legal authority to manage/perform duties listed
- Typical powers – manage all assets, mail, sign contracts, pets, real estate
- Who to name? Checkbook test





# Power of Attorney - Healthcare

- Agent has legal authority to manage all aspects of healthcare as noted
- Typically – approve or decline treatment or procedures, hire/fire providers, can sign DNR/POLST, burial wishes\*
- Who to name?





# Living Will

- Standardized document that states ok to stop treatment/intervention if certain conditions are met
- Doctor determines if unrecoverable, irreversible condition exists



# Disposition of Remains

- Express your wishes for what should be done with your remains
- Name an agent
- Burial vs cremation
- Brief statement of specifics



# Funeral Pre-Planning

- Discussion with funeral director who records your wishes – free
- Can be as detailed as you choose
- Pre-payment is a separate process
  - Now done as special insurance policy
  - Locks in pricing



# Financial & Care





# Financial Choices

- Possible Goals:
  - Avoid Probate
  - Qualify for benefits
- What matters for planning:
  - Type of asset
  - Who owns it & for how long
  - Beneficiary/Transfer or Payable on Death
  - \*\*Don't start putting stuff in anyone else's name without a clear plan for when and why.



# Levels of Care

- Home
  - Caregivers
  - Home Health (skilled care – nurse, therapist)
- Assisted Living/Supportive Living
  - meals, housekeeping, medication management, general supervision
- Long Term Care – Rehab Stay
- Long Term Care





# Payor Sources

1. Private Pay
2. Medicaid – jointly funded state & federally subsidized health care administered by the state; community vs **long term care**
  - **Spend down is not the only option!**
3. VA Aid & Attendance – benefit for eligible veterans and their widows/widowers



# Possible Payor Sources

	Private Pay	Medicare	Medicaid	VA – Aid & Attendance
Home – caregiver	√			√
Home – Home Health		√		
Assisted Living	√		√ “Supportive Living”	√
Long Term Care – Rehab Stay		√		
Long Term Care	√		√	?



# Final Thoughts

- Benefits to planning – peace of mind, less stress for family, avoid guardianship
- Do POAs now because capacity can change
- Own & Owe List
- If you start planning, finish the process
- **\*Caregiver – what's your backup plan?\***
- Planning for Medicaid & VA
- Communicate your wishes/planning



Questions?

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