



ELDER LAW *Update*

NEWS AND IMPORTANT INFORMATION FOR SENIORS AND THEIR FAMILIES

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HOW TO INSPECT A NURSING HOME TO MAKE SURE IT'S RIGHT FOR YOU OR YOUR LOVED ONE

A recent article by AARP discusses several factors to consider when choosing a nursing home. Here is a brief synopsis.

Inspect the grounds

Are there outdoor sitting areas available and do the residents use them? Are dumpsters well concealed and relatively clean? Is it quiet or can you hear a lot of noise coming from traffic or some other source? Does it seem like you or your loved one would find the area relaxing and a nice place to sit?

Talk to residents

Ask residents if they like living at the facility. You can ask about the food, what a typical day is like, if there are activities and outings for residents, and whether the facility sponsors events for family members. The facility might be beautiful, but make sure the residents seem well cared for and content.

Talk to the staff

Ask people working at the facility about their jobs and how they are managed. Try to find out if members of the staff know the residents' names and how long they have been working at the facility. High turnover, among staff or residents, is always a bad sign. You don't want to be overly aggressive, of course, but it's important to get a sense of the facility's culture and what the staff is like.

Try the food

Nursing homes are not in the business of providing haute cuisine, but the food should be appetizing, healthy and fresh. See for yourself by asking to have lunch or dinner with the residents.

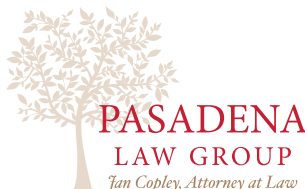
Use all of your senses

In addition to tasting the food, use your ears and nose. Pause every so often during your visit and simply listen.

(CONT.)



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HOW TO INSPECT A NURSING HOME TO MAKE SURE IT'S RIGHT FOR YOU OR YOUR LOVED ONE (CONT.)

Are the sounds you hear reassuring (such as laughter, conversation and music) or a cause for worry (excessive silence or indications of residents in distress)? What does the facility smell like? Is it well ventilated, fresh and clean, or musty and stale?

Make sure the environment is safe

Begin with the basics: Are there nonskid floors and handrails? Are walkways clear or are there wheelchairs and other obstructions that could lead to residents tripping and injuring themselves?

Next, ask the staff about how the nursing home would respond to a natural disaster. Is there an adequate supply of food and water, and access to power, to cope with an extended emergency?

Make a second visit during off-hours

A guided, scheduled visit on a weekday will probably show the facility at its very best. But what happens on weekends and off-hours? Make sure the same sense of calm prevails, and staffing levels are adequate, when the facility is not on high alert.

To read the entire AARP article about inspecting prospective nursing homes, visit <https://www.aarp.org/caregiving/local/info-2017/nursing-homes-checklist.html>

BEWARE OF THESE TWO SCAMS TARGETING SENIORS

Approximately 20 percent of Americans over the age of 65 have been victimized by some form of financial abuse, with the average loss per victim exceeding \$120,000. While financial abuse is sometimes perpetrated by family members or “friends,” it is often the result of organized online and telephone scams. According to a recent study by Wells Fargo, nearly half of all seniors report that they know someone who has fallen victim to a scam.

The Social Security Administration has issued a warning about scammers who pose as employees of the agency in an attempt to gather personal information about seniors. In one such scam, a senior receives a phone call with a recorded message claiming that his or her Social Security number has been suspended for suspicious illegal activity. The message provides a phone number that the person must call to rectify the problem and to prevent his or her assets from being frozen. The victim calling the number will be asked to provide personal information, which can then be used to steal his or her identity.

In a similar scam, a “live” caller claims to work for the Social Security Administration and asks the victim to verify information such as his or her Social Security number, address and birthdate. Again, this information can be used to steal one’s identity or for other nefarious purposes.

According to the Social Security Administration, people should never provide personal information online or over the phone unless they are absolutely certain about the identity of the person who has contacted them. If you have questions regarding an email, phone call, text message or other form of communication from someone claiming to work for the Social Security Administration, you can find out if it is legitimate by contacting any Social Security office or calling the agency’s toll-free number, 800-772-1213.



THE BENEFITS OF AN IRREVOCABLE TRUST

Irrevocable Trusts, when properly designed and implemented, can provide an almost unsurpassed level of asset protection from the high cost of long-term care. And, like Revocable Trusts, they spare your family the delays, frustration and expenses of the probate process. Other reasons to utilize an Irrevocable Trust include:

- Tax minimization
- Avoiding the risks of placing assets in the name of your children
- Protecting assets against predators, creditors and lawsuits

While many different types of Irrevocable Trusts are available, in essence all of them retitle your assets. Assets placed in an Irrevocable Trust can include a business, cash, investments, life insurance policies, and more.

Why is an Irrevocable Trust better than a Revocable Trust at protecting assets against the cost of long-term care?

Under current Medi-Cal laws, assets in a Revocable Trust are not fully protected.

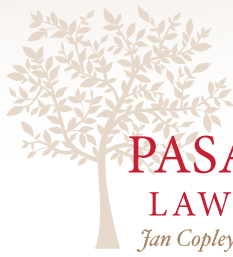
Why? Assets in a Revocable Trust are available to the Grantor. Medi-Cal may determine that those assets must be used to pay for long-term care. This is not the case with an Irrevocable Trust, as long as it is properly designed and implemented to take into account the latest laws governing Medi-Cal eligibility.

How does an Irrevocable Trust protect your children's inheritance?

When you transfer assets directly to your children, they typically become outright owners of the assets. They also become responsible for the risks associated with owning the assets. A properly drafted and implemented Irrevocable Trust will avoid:

- Loss of inheritances due to lawsuits, divorce, remarriage, or the inability of your children to manage money on their own
- Gift tax liability
- Income tax consequences for your children
- Problems with getting financial aid to cover educational and other expenses for your grandchildren

To determine if an Irrevocable Trust is right for you and your family, contact us today for a consultation.



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A PERSONAL NOTE FROM JAN

Welcome to our most recent newsletter! I hope all of my readers have had a good summer.

Our first article is about choosing a nursing home when your loved one needs one. I think the questions raised by the article are applicable to ANY senior living environment, whether it be independent living, assisted living, or custodial care. And, I don't think you can overemphasize the importance of the food at the institution. Eat several meals there. If someone's life has grown smaller because of age and/or ill health, a good meal can be a very bright spot in the day!

One other thing to consider is the elder facility's financial condition. Sometimes this information is difficult to obtain, but it's worth trying. Are the institution's finances stable? Is it operating at a reasonable profit? If not, corners may be cut, negatively affecting the lives and care of the people who live there. Another thing to consider is the likelihood that the institution may be sold, potentially affecting the quality of care. So, not only do you need to consider what a senior living facility is like when choosing it, but you need to continue to monitor the care and condition of the place while your loved one lives there.

Second, we discuss scams aimed at the elderly. I think it's a good idea for anyone, no matter what your age, not to release personal information unless you have initiated the call.

Also, a sign of someone's mental decline may be that person's susceptibility to scams. For instance, if your loved one suddenly starts making unusual charitable donations, perhaps it's time for an evaluation and for you to become more involved in your loved one's finances.

Our third article is about irrevocable trusts. There are few public benefits that pay for convalescent home care, and those benefits — Veterans Administration "Aid and Attendance" and Medicaid (Medi-Cal in California) assume the recipient has very modest means. Of course, many people would like what wealth they have to go to their family, not toward paying for end-of-life care or reimbursing their state government. In the right situation, with proper irrevocable trust planning, we can qualify someone to receive Medi-Cal and/or VA benefits while preserving most of that person's assets — perhaps hundreds of thousands of dollars — from the cost of long-term care.

I hope this information is useful to you! I wish a terrific quarter for all of my readers.