
**BAILLIE &
HERSHMAN P.C.**
—LAW OFFICES—

*The Most Commonly
Asked Questions About:*

ELDER LAW

**Quick answers to your
questions about
elder law**

Donald S. Baillie
Jay N. Hershman*
Timothy P. Kennedy
Ryan B. Corey†

ALSO ADMITTED TO PRACTICE IN:

* DISTRICT OF COLUMBIA

† NEW YORK

WHAT IS ELDER LAW?

Elder Law encompasses legal advice and planning for older clients with a unique variety of legal needs and questions. Generally, an attorney is prepared to assist these clients with estate planning, powers of attorney, and probate issues, including trusts and estates, health care instructions, Medicaid and conservatorships.

WHAT IS A WILL?

A will is a document that may be used to accomplish your personal and financial objectives. When signed by you, it provides written directions to be used to distribute your estate upon your death. A will typically names an executor to manage your affairs and may possibly name an alternate executor as well.

WHAT IS A TRUST?

A trust is an instrument, sometimes created in your will, which may be used before or after your death. Under the terms of a trust, you name a trustee to hold and manage the assets put into the trust. The trustee may be authorized to use the trust income for you or someone else (your spouse, for example) and to distribute the balance to other named beneficiaries upon your death or your spouse's death, or according to the terms of your will

WHEN DO I USE A TRUST?

A trust may be used when you name minor children or grandchildren as beneficiaries who would need someone to manage your estate for them upon your death. Alternatively, a trust may also be used to reduce tax liability or to avoid probate.

WHEN DOES IT BECOME NECESSARY TO APPOINT A CONSERVATOR?

If you become unable or unwilling to manage your financial affairs or personal decisions, you may need to appoint a conservator. If you have not already appointed an agent under a power of attorney, you may also need a conservator. A conservator is a person appointed by the Probate Court to handle your

personal affairs (Conservator of Person) and/or financial affairs (Conservator of Estate). In your health care instructions you may designate a person to be appointed as your conservator. The person you designate must be approved by the Probate Court.

WHAT IS MEDICAID?

Medicaid is a state and federally funded program administered by the state to lower income people who are unable to pay for medical care. Medicaid pays for long-term care, nursing home care and for certain home care programs.

HOW DO I BECOME ELIGIBLE FOR MEDICAID?

Individuals may become eligible for Medicaid by spending down their assets or by owning certain exempt assets. As part of your estate plan you may need advice about Medicaid's transfer of asset rules. Consult your family, accountant and attorney before making any substantial changes to your estate plan.

WHAT IS A "POWER OF ATTORNEY"?

A power of attorney is a document you sign authorizing someone else to act on your behalf in certain matters. A power of attorney may grant broad authority over all financial and personal decisions or it can be as specific as you desire. You may revoke a power of attorney as long as you are competent to do so.

WHAT IS LONG-TERM CARE INSURANCE?

Long-term care insurance usually covers part of the daily cost of nursing home care. In some cases, it may also pay for home care and adult day care. Your age and health have a direct relation to the premiums required.

As the American population continues to live longer, many questions arise regarding living wills, powers of attorney and elder law. All clients continue to need information to prepare for retirement, disability and long-term care needs. An "Elder Law" attorney should be able to assist you in attaining most, if not all, of your short-term and long-term planning goals.

The law firm of BAILLIE & HERSHMAN, P.C. practices in this complex area of the law and can advise you on the proper course of action for your particular situation.

As the American population continues to live longer, many questions arise regarding living wills, powers of attorney and elder law. All clients continue to need information to prepare for retirement, disability and long-term care needs. An “Elder Law” attorney should be able to assist you in attaining most, if not all, of your short-term and long-term planning goals.

The law firm of BAILLIE & HERSHMAN, P.C. practices in this complex area of the law and can advise you on the proper course of action for your particular situation.

This pamphlet is offered free by BAILLIE & HERSHMAN, P.C. and is intended to provide general information to help answer some of the questions you may have about buying and selling real estate. Hopefully, it will help you feel more comfortable entering into this type of legal transaction. We also offer information on estate planning, business services and personal injury.

Of course, you may have additional questions that we will also be pleased to answer for you. For a free initial consultation, simply call (203) 272-7000. You can rely on the experts at BAILLIE & HERSHMAN, P.C., to help you with any of your legal matters. Trust in us.

REV 0909

**BAILLIE &
HERSHMAN P.C.**
— L A W O F F I C E S —

WWW.BHHLEGAL.COM • INFO@BHHLEGAL.COM

290 Highland Avenue, Cheshire CT 06410

Phone: 203-272-7000 • Fax: 203-272-7100

FARMINGTON • NORWALK • WATERFORD • CHESHIRE
