



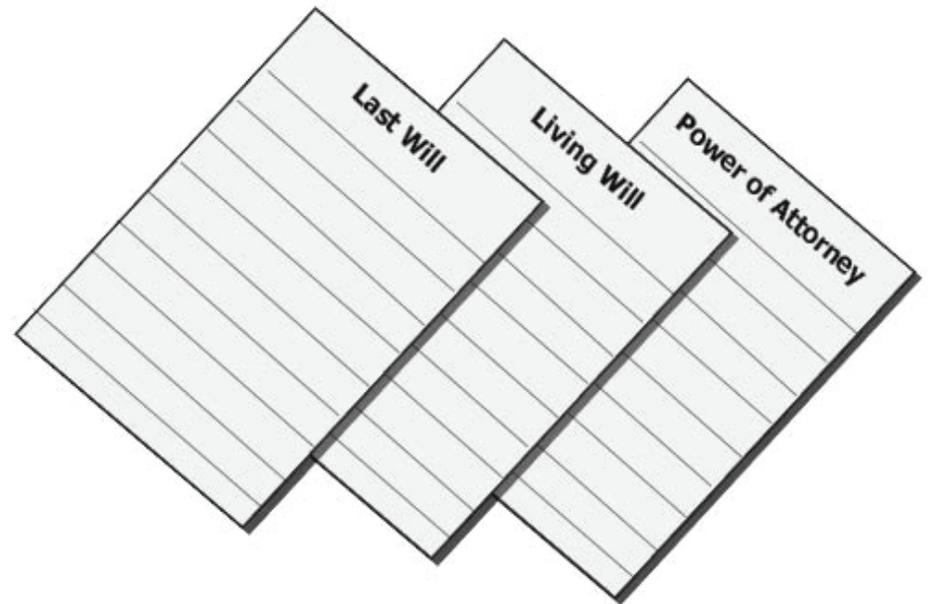
*"Even the oldest tree
some fruit may bear"*

Packer Elder Care Law
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A Senior's Guide To A Well-Planned Future



By Thomas W. Packer
Elder Care Attorney

Introduction

Plan Today For a Better Tomorrow

This booklet is a guide to help you plan for the challenges of growing older. You are the person who knows how you want your future to be.

Because your family and friends may not know your desires, it is important that you communicate with them. To be legally binding, the law requires that you express your desires in written documents. This booklet will tell you how to do this and how to do it right.

Why is it important to prepare for the future NOW?

As you grow older you enter a new stage of life with new challenges. Planning for the future will help your loved ones know your wishes and will give you peace of mind knowing that you have your affairs in order.



When planning your future, consider the following questions:

1.

Who do I want my property to go to and how will it pass to them?



2.

If I become incapacitated, who will make financial decisions for me?



3.

What government benefits are available to help me pay for my care?



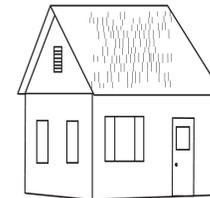
4.

If I am unable to communicate, who will carry out my healthcare wishes?



5.

How can I stay in my home for as long as possible?



6.

If I have a chronic illness, how will I pay for my care?



These and other questions need to be answered if you are going to have a well-planned future.

Why is planning important?

Here's a story that shows the need for planning.

John and Mary have had a long and happy marriage; have worked hard and raised a family. Now they are looking forward to retirement and spending time with their family.

Lately, John started forgetting things and making poor decisions. He is often confused, irritable and withdrawn. Recently he forgot to pick Mary up at the Mall after he got his hair cut. Instead he went home and didn't know where Mary was. They decided to go to the doctor to find out what was going on, and were told John was in the early stages of Alzheimer's.

As Mary sits by John's side holding his hand, her mind is full of questions that press so hard she feels frightened and helpless: Will John be able to stay at home or will he need a facility to be safe? If he is incapacitated, how will they pay for his care? Will she have enough to live on? Who can make financial and healthcare decisions for John?

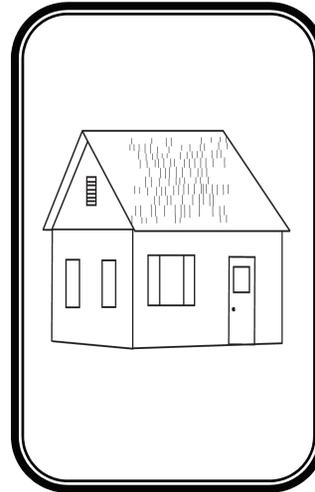
John never expected this, never met with an attorney, never made his wishes known and never put the necessary legal documents in place, leaving John wholly unprepared for the future. Mary is wondering if he is capable of signing documents in his current condition.

John and Mary need help knowing how to deal with their financial, legal and healthcare problems.



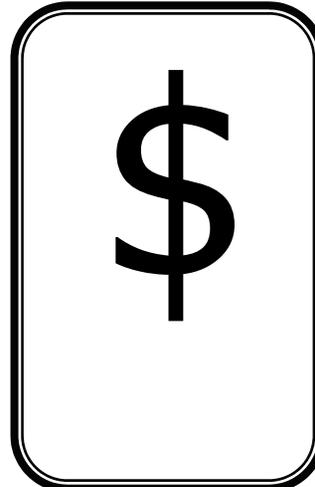
What are the consequences of not planning?

The Court may appoint someone to make decisions for you which may not reflect your wishes.



1. Your Estate

If you have not planned your estate, the Court will appoint a personal representative and distribute your property according to the laws of the state. Your property may go to persons you did not intend for it to go to.



2. Your Finances

If you do not have a power of attorney for finances, the Court may appoint a conservator. Filing to be appointed a conservator is an expensive process and requires court oversight.

If you haven't planned how to pay for care, your assets may be depleted.



3. Your Health

If you are permanently incapacitated or unable to communicate and do not have a power of attorney for healthcare, the Court may appoint a guardian to make decisions for you; where you will live and what medical care you will receive.

PLAN FOR YOUR FUTURE NOW!

Prepare for potential incapacity:

1. Put documents in place to pass on your assets.
2. Designate someone to make financial decisions for you.
3. Designate someone to make healthcare decisions for you.
4. Have a plan for how to pay for long-term care.

ACT NOW OR SOMEONE MAY DECIDE FOR YOU!



1. Estate Planning

Here are some common ways to pass assets upon death:



- ♦ **Will:** A will names a personal representative to handle your estate and distribute your property to whom you have designated.
- ♦ **Living Trust:** Property is held by a trustee for the benefit of another, and passes to the beneficiaries of the trust without probate.
- ♦ **Joint Tenancy with the Right of Survivorship:** When two people are on an account and one passes away, all the money in the account goes to the survivor. Joint bank accounts with a right of survivorship are examples of this.
- ♦ **Life Estate Deeds:** The Grantors deed property to another person, but retain a life estate in the property. The Grantors continue to live on and maintain the property until they die.
- ♦ **POD Accounts:** The holder of an account makes an agreement with a financial to pay the money in their account to the persons designated, upon the account holder's death.



2. Prepare a Financial Power of Attorney

Because you may become incapacitated and unable to manage your financial affairs, it is important to prepare a Financial Power of Attorney. This grants authority to an agent you choose to cash checks, withdraw money from your bank accounts, pay taxes, buy and sell property, apply for government benefits, etc.

Your agent should be someone you can trust to use your finances for your benefit and not for their personal gain.

A Financial Power of Attorney can take effect immediately or spring into effect when needed. It will remain in effect until your death, unless you revoke it.

If you become incapacitated and don't have a Power of Attorney, a conservator may be appointed by a court to manage your finances.

Helpful terms to know:

Financial Power of Attorney:

Names an agent to make financial decisions for you.

Agent:

A person you nominate that acts in your behalf.

Conservator:

A person appointed by the court to manage your financial affairs.

Probate:

A legal process whereby the property of the deceased is gathered and redistributed under the direction of the court.

3. Living Will and Durable Power of Attorney for healthcare

In Idaho, a Living Will and Durable Power of Attorney for Healthcare (DPAHC), have been combined into one document.

- ◆ The Living Will expresses your desires for medical treatment if you have a terminal, irreversible condition.
- ◆ The DPAHC takes effect if you are unable to communicate, it names a trusted agent to make medical decisions for you, to carry out your wishes.

This document should be written to guide your agent in making social, emotional, and medical decisions for you.

Chronic healthcare conditions such as Dementia and Alzheimer's pose another problem. What are your desires for care and medical treatment if you develop one of these conditions? You should have a frank discussion with your family, doctor, and lawyer, and include specific language in your DPAHC to guide your agent in making decisions for you.

In addition to a Living Will and DPAHC, you should talk to your doctor about completing a Physician's Order for Scope of Treatment, referred to as a POST. Having these two documents in place will ensure that your desires will be carried out.



4. How to pay for Long-Term Care



Medicare — For individuals 65 or older, Medicare Part A covers inpatient hospital care and up to 100 days in a skilled-nursing facility if you meet certain criteria. Medicare Part B covers physician and nonphysician services such as speech therapy. Medicare Part D covers prescriptions. Medicare does not pay for long-term care.

Long-Term Care (LTC) Insurance — Private Insurance that covers your care in a nursing home, assisted-living facility, or in your home. To receive LTC benefits you must be unable to perform at least 2 activities of daily living such as eating, bathing, dressing, etc.

Medicaid — Medicaid is a federal program administered by the state, designed to pay for long-term care. Qualifications for Medicaid are based on meeting health, income, and asset criteria.

Veteran's Disability Benefits — Veterans of the armed services who meet certain criteria may be eligible to receive benefits that will help pay for their care.

MEDICARE LIMITATIONS



Medicare Part A does cover up to 100 days in a skilled-nursing facility if you are being admitted after a 3-day stay in the hospital and you are receiving skilled-nursing services. After the 20th day, there is a significant copay that some, but not all, supplemental insurance plans will pay.

Planning DO's

- ◆ Talk with your family about your desires.
- ◆ Decide who will make financial decisions for you.
- ◆ Decide who will make healthcare and end-of-life decisions for you if you are unable to communicate your desires.
- ◆ Decide what you want done if long-term care is needed.
- ◆ Organize important papers; insurance, deeds, etc. and place them in a safe place and let your family know where they are.
- ◆ Consult with an attorney that does Elder Law and Life Care Planning.
- ◆ Prepare a Will, a Living Will and Durable Power of Attorney for finances and healthcare, and other documents that will express your desires.



Planning DON'TS

- ◆ Don't procrastinate planning your future legal, financial, and healthcare needs.
- ◆ Don't merely tell your family who you want to make decisions for you and how you want your property to pass upon death.
- ◆ Don't leave your spouse or family members the added burden of not knowing your wishes.
- ◆ Don't let the Court decide what's best for you and your family.
- ◆ Don't fail to have documents in place in case of an unexpected event.



What happens when planning is done right?

When the doctor told John and Mary that John was in the early stages of Alzheimer's, they had their affairs in order. All of John's important financial documents were in place. John had discussed his financial needs with his son and prepared a Financial Power of Attorney, naming his son as an agent to act for him.

John had prepared a Living Will and a Durable Power of Attorney for Healthcare. John gave Mary the authority to make healthcare decisions for him and he clearly explained what treatment he wanted.

John had prepared a Will, appointing Mary as the personal representative of his estate and he decided how his property was to pass upon his death.

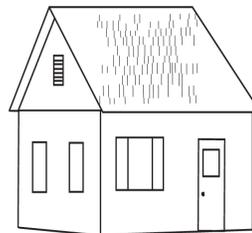
Because of his preparation when the time comes that John needs help, his agents will be able to step in and carry out his desires.

John also has a plan if he needs care, allowing him to stay in his home and community, maintaining his independence for as long as possible.



**What are the consequences
of planning well?**

**Everything proceeds
in an orderly manner as
YOU desired.**



1. Your Estate

After your death, your family will know how you want your property to pass and who is to be the trustee or personal representative. Your estate will be settled in an orderly manner with less conflicts.



2. Your Finances

You have appointed a person to make financial decisions for you, who knows your situation and desires. In most cases, the need for a conservator is avoided.



3. Your Health

You have appointed a person to make healthcare decisions for you, and you have expressed what medical treatment you want if you are unable to communicate. Your family will know your desires and the need to have a guardian may be avoided.

Plan Today for a Better Tomorrow

Now that you understand the benefits of having a well-planned future, don't make the mistake of putting it off! An Elder Law Attorney can assist you in getting your necessary documents in place.

Conclusion

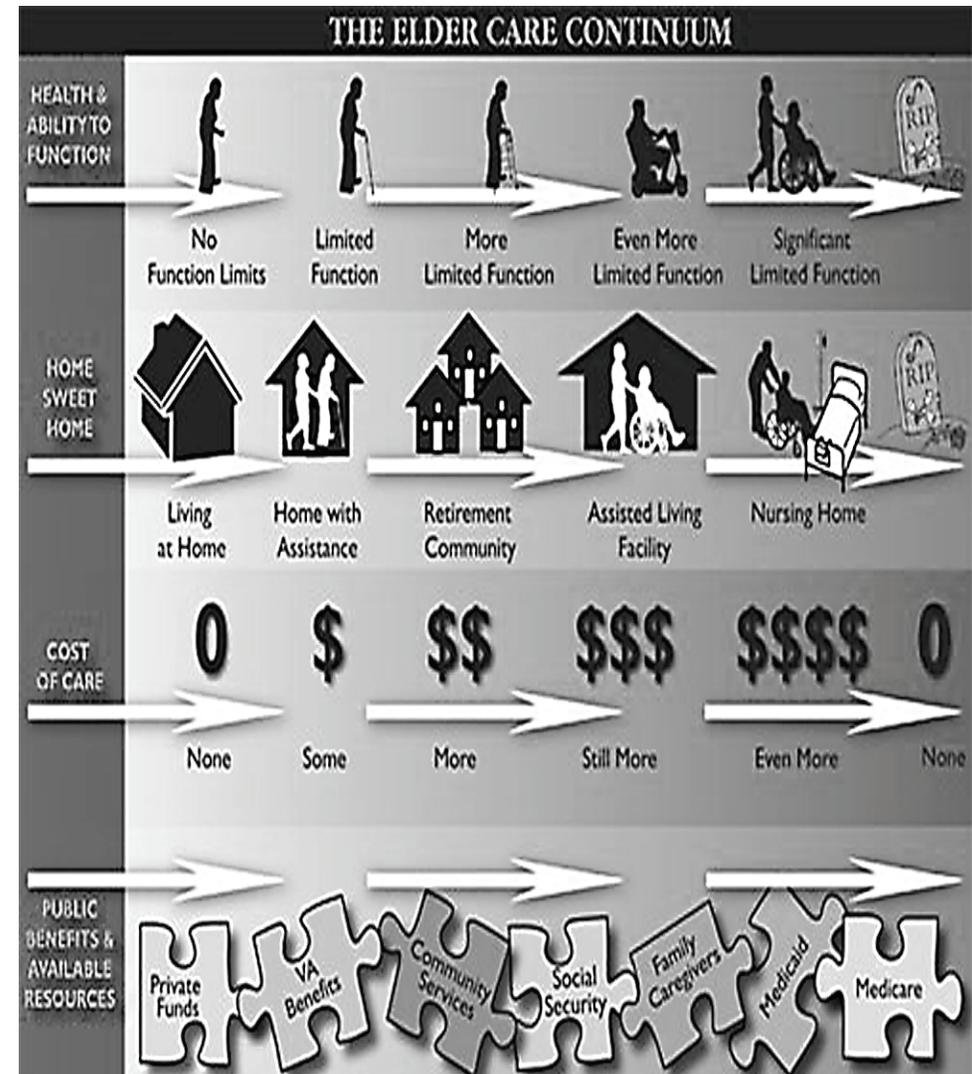
We hope you have found this booklet helpful, and that it will inspire you to decide today to prepare for your future. You will have peace of mind, knowing that your desires will be carried out, regardless of any unpredictable events.

Your loved ones can be relieved of the burden of not knowing your wishes, and you can enjoy your time together.

Appendix

The Elder Care Continuum

When your ability to function becomes limited, you require more assistance and the cost of your care increases. This may require you to move into a facility to obtain the needed care.



Packer Elder Care Law

In addition to your estate planning, we offer Life Care Planning to address your financial and healthcare needs.

Our Life Care Planning Team consists of:

- ◆ An Elder Law Attorney
- ◆ A licensed social worker as a care coordinator
- ◆ A government benefit's specialist

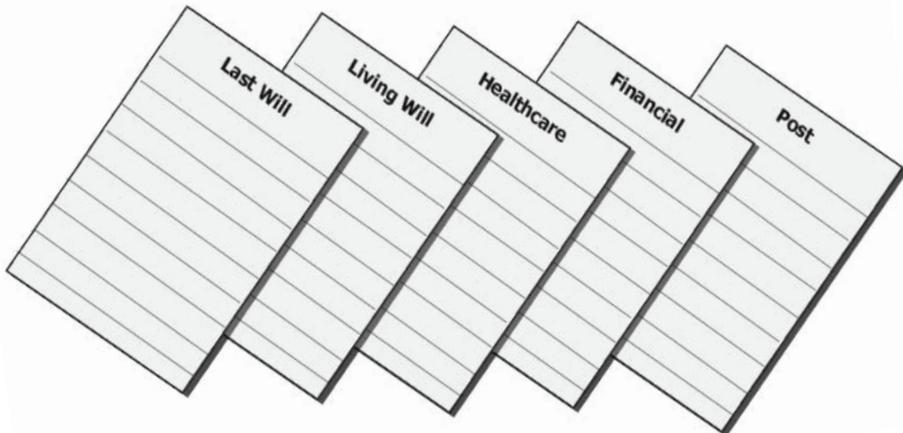
Together, we provide services such as estate planning, Medicaid qualification and coordinating appropriate, high-quality care, along with continued monitoring and help for individuals with a long-term illness such as Alzheimer's.



Tom Packer

Packer Elder Care Law helps Seniors and their families who are struggling with Alzheimer's, Dementia and other issues of day-to-day living. Our Law Firm is specifically designed to solve Senior's legal, financial and healthcare problems.

Tom Packer is an Elder Law Attorney and past Nursing Home Administrator. Becca Freeburne has a Master's in Social Work and is a Care Coordinator. Together **we help Seniors find, pay for and receive quality, long-term care**, whether in their home or in a facility. We are here to help you make the right choices; building a personal relationship with you for life. (See Testimonial next page.)



To Packer Elder Law and Life Care Planning,

Testimonial

Words cannot express my feeling of gratitude to Packer Elder Law and Life Care Planning Team for the wonderful help and care my sister has received, and the peace of mind we as her family have felt as well. Our goal was to improve my sister's quality of life and bring the real Nan back.

Nan worried about her house and having a will and power of attorney to take care of legal matters. We were also having problems with her long term care insurance. Nan suggested that we contact Tom Packer and see if her legal concerns could be taken care of.

As we met the first time, they got to know Nan and her concerns. They discussed a plan that would help her accomplish the things she wanted to get done. It didn't take long for them to swing into action. Gina and Jodi are two outstanding and helpful care givers! Her quality of life started improving with the concern and care she was being shown.

Gina has become my sister's advocate. She knows what she needs and sees that her needs are met. She has been there to take her to doctor's appointments and makes sure she follows through with the doctor's treatment plan. My sister often talks about the fun things she has done such as going for a ride or stopping for a drink. I could go on and on. These are her friends and mine too! I have been able to be a sister, wife and mother as well. Thank you for all you have done to help make this time in our sister's life more pleasant and meaningful.

Your Friend (Written March 2014)