

A Senior's Legal Guide

Planning for the Future —
whatever it holds



By Thomas W. Packer
Elder Law Attorney

Introduction

This booklet is a guide to help you see the advantages of planning for your future. Having the right legal documents in place protects you and the people you care about during your lifetime and after you pass away.

No one knows better than you how you want your future to look. But the people closest to you — your family and friends — may not know your desires unless you put them in writing.

This guide will show you what legal documents you should consider creating to prepare for the future—whatever it holds.

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 ahead and having the right legal documents in place ensures your desires are known and are legally binding.



When planning for the future, you may want to 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 does Medicaid and Medicare pay for?



4.

If I am unable to communicate, who will make sure my medical desires are followed?



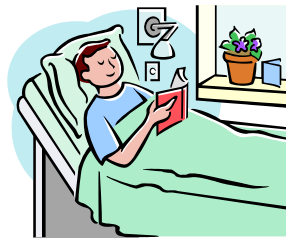
5.

If I become ill, how can I stay in my home for as long as possible?



6.

If I need long-term care, how will I pay for it?



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

Here is a story to consider:

John and Mary have been married for many years and are happy together. They have worked hard, raised a family, and are looking forward to retirement — a time they can finally relax and spend time together.

Lately, John is becoming forgetful and often gets confused. One afternoon, he completely forgot that Mary was waiting to be picked up from her hair appointment and drove straight home without her.

Mary took John to see a doctor. The diagnosis was difficult to hear: John was in the early stages of Alzheimer's disease.

Sitting beside John while holding his hand, Mary ponders difficult questions: Will John need to move into a care facility? How will we pay for his care? Can I make financial and medical decisions for John? How will I financially take care of myself?

John had never planned for something like this. He had never created the legal documents that could have guided his family now. Mary wasn't even sure whether John's mental state was still strong enough to legally sign any documents.

Overwhelmed, John and Mary don't know where to begin.



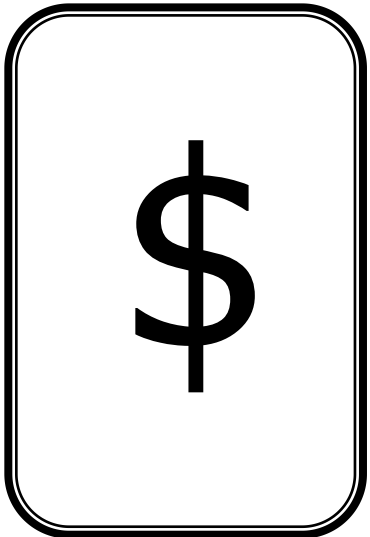
**What are the consequences of
not planning?**





1. Your Estate

If you don't have a Will or a Trust, a judge will appoint someone—a Personal Representative—to be in charge of your estate to divide your property based on state laws rather than your desires. This means your property could end up going to people you never intended to give it to.



2. Your Finances

If you don't have a Financial Power of Attorney, a judge may appoint someone—a Conservator—to handle your money and finances for you. This legal process can be expensive and requires court oversight. If you plan ahead and have a Power of Attorney, you can save money and hassle down the road.



3. Your Health

If you become permanently incapacitated, and you don't have a Healthcare Power of Attorney, a judge may appoint someone—a Guardian—to make medical decisions for you and decide where you will live. This person might not be someone you would have chosen to make those decisions for you.

PLAN FOR YOUR FUTURE NOW!

Estate Planning is having core legal documents in

1. **Will, Trust, Deed, Beneficiary Designations.** Prepare legal documents and make beneficiary designations to specify who you want to receive your property when you pass away.
2. **Financial Power of Attorney.** Set up a Power of Attorney so that a person you trust has authority to make financial decisions for you, if needed. This is safer than putting one of your children on your bank account.
3. **Living Will and Healthcare Power of Attorney.** Create a Living Will that spells out exactly what kind of medical treatment you want — or don't want — if you ever become unable to speak for yourself. Give a person you trust authority to make medical decisions for you.



1. Will, Trust, Deed, Beneficiary Designation

Your estate is everything you own—your money, your investments, your home, your car, your personal belongings and any other property in your name. Here are some common ways to pass assets upon your death:



- ◆ **Will:** A Will is probated and the court appoints a Personal Representative to handle your estate, pay your creditors, and distribute your property to the individuals 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 Right of Survivorship:** A shared account where two or more people have ownership rights. When one passes away their share automatically transfers to the survivor, bypassing the probate process.
- ◆ **Life Estate Deeds:** The Grantors deed property, such as a house, to another person, but retain a life estate in the property, which allows the Grantors to continue to live there and maintain the property until they die.
- ◆ **Pay-on-Death Accounts (POD):** The holder of an account makes an agreement with a financial institution to pay the money in their account to the designated people upon the account holder's death.
- ◆ **Community Spouse Deed:** If you have a Community Spouse Deed in place, when one spouse passes away, the right of survivorship allows the property to automatically transfer to the surviving spouse upon recording a death certificate.



2. Financial Power of Attorney

This is a legal document that gives your agent the power to do some or all the following:

Asset Management: The agent can manage bank accounts, investments, real estate, and other property — including buying, selling, leasing, or transferring assets on the principal's behalf.

Banking & Financial Transactions: This includes depositing and withdrawing funds, writing checks, accessing safe deposit boxes, and managing loans or lines of credit.

Bill Payment & Debt Management: The agent is responsible for paying the principal's bills, taxes, debts, and ongoing expenses to keep their financial life running smoothly.

Investment Decisions: The agent may manage investment portfolios, make trades, reinvest dividends, or work with financial advisors — typically guided by the principal's established risk tolerance and goals.

Tax Matters: Filing tax returns, responding to IRS or state tax authorities, and handling audits or tax disputes often fall within the agent's scope.

Business Operations: If the principal owns a business, the agent may be authorized to manage business decisions, sign contracts, and handle business finances.

Government Benefits: The agent can interact with agencies like Social Security, Medicaid, or Medicare — applying for benefits, managing payments, or appealing decisions.

Estate Planning Assistance: Some POA's allow the agent to make or change beneficiary designations, fund trusts, or make gifts (though gift-giving authority is often specifically limited or must be explicitly granted).

A Financial Power of Attorney ends when you pass away.

3. Living Will and Durable Power of Attorney for Healthcare

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

- ◆ A **Living Will** lets you spell out exactly what kind of medical treatment you do or don't want if you ever develop a terminal or irreversible condition.
- ◆ The **Durable Power of Attorney for Healthcare** takes effect if you ever become unable to speak for yourself. It names a trusted person to make medical decisions for you and make sure your desires are carried out. This document should also be written in a way that helps guide your agent in making social and emotional decisions for you, not just medical ones.

Long-term conditions like Dementia and Alzheimer's create an extra challenge. If you were to develop one of these conditions, what kind of care and medical treatment would you want? It is important to have an honest conversation with your family, your doctor, and your lawyer about this, and to include specific instructions in your Durable Power of Attorney for Healthcare so your agent knows exactly what to do.

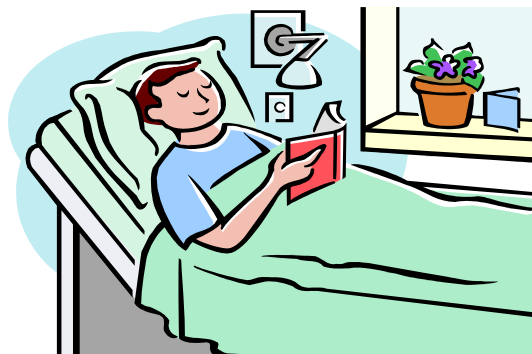
You may also want talk to your doctor about filling out a Physician's Order for Scope of Treatment, also known as a POST. Having both of these documents ready will help make sure that your desires are actually followed when the time comes.



How do I pay for long-term care?



- ◆ **Medicare** — Medicare is a government health insurance program that you sign up for when you turn 65: **Part A** helps pay for hospital stays. **Part B** helps cover visits to doctors and other healthcare providers, like physical therapists or speech therapists. **Part C** also known as Medicare Advantage, is an alternative way to receive your Medicare benefits. Instead of getting coverage directly through the federal government, you enroll in a private insurance plan that is approved and regulated by Medicare. **Part D** helps cover the cost of prescription medications. Medicare does NOT pay for long-term care.
- ◆ **Long-Term Care (LTC) Insurance** — This is a type of private insurance you can purchase that helps cover the cost of your care in a nursing home, an assisted-living facility, or even in your own home. Generally you have to be unable to do at least two basic daily activities on your own, like eating, bathing, or getting dressed.
- ◆ **Medicaid** — Medicaid is a government program that is run by both the federal government and each individual state. It is specifically designed to help pay for long-term care. To qualify for Medicaid, you have to meet certain requirements related to your health, your income, and the value of what you own.
- ◆ **Veteran's Disability Benefits** — If you have served in the military and meet certain requirements, you may be eligible to receive financial benefits that can help pay for your care.
- ◆ **Self Pay** — Many individuals will self-pay for their care—or spend down their assets, if they need to qualify for Medicaid.



Medicare Covers Hospice Care and 100 Days in Skilled Nursing

Even though Medicare does **not** pay for long-term care, Medicare Part A can help cover up to 100 days in a skilled-nursing facility, but **only** if you were first admitted to a hospital for at least 3 days and you are receiving skilled-nursing services. After the first 20 days, you will be expected to pay a pretty significant copay out of pocket. Some supplemental insurance plans will cover that extra cost, but not all of them do, so it is important to check your specific plan.

Medicare Part A also covers hospice care if you meet these conditions:

- You're enrolled in Medicare Part A
- Your doctor and the hospice medical director certify that you have a terminal illness with a life expectancy of six months or less (if the illness runs its normal course)
- You choose to receive comfort care (palliative) rather than curative treatment for your terminal illness
- You use a Medicare-approved hospice program



Planning DO'S

- ◆ Set up a Will, a Living Will, and a Durable Power of Attorney for both your finances and healthcare, along with any other documents that clearly spell out what you want.
- ◆ Decide ahead of time who you trust to handle your money and financial decisions, if you are ever unable to do it yourself.
- ◆ Appoint someone you trust to make your medical and end-of-life decisions if you ever reach a point where you can't speak for yourself.
- ◆ Talk openly with your family about what you want for the future and make sure they understand your desires.
- ◆ Gather all your important papers — like insurance documents, property deeds, and other key records — and put them in a safe place, and make sure your family knows where to find them.
- ◆ Prepare a letter of instructions to guide your family and your personal representative about matters they will need to attend to. This is an informal document that can be attached to your Will, although it is not a part of your Will or legally binding.



Planning DON'TS

- ◆ Don't put off planning for your future legal, financial, and healthcare needs — the sooner you start, the better.
- ◆ Don't just verbally tell your family what you want. Create legal documents that makes what you want binding.
- ◆ Don't leave your spouse or family members stressed out and guessing about what kind of medical care you want when you can't communicate for yourself.
- ◆ Don't let a court decide what is best for you and your family when you could have made those choices yourself.
- ◆ Don't wait until something bad happens to get your important documents in order — unexpected things can happen at any time.



What happens when planning is done right?

When the doctor told Mary that John was in the early stages of Alzheimer's, they already had their legal documents in place.

John had prepared a Will, appointing Mary as the Personal Representative of his estate and he had stated how his property was to pass upon his death.

John's important financial documents were in place. John had discussed their financial needs with his wife and prepared a Financial Power of Attorney naming her as his agent to act for him.

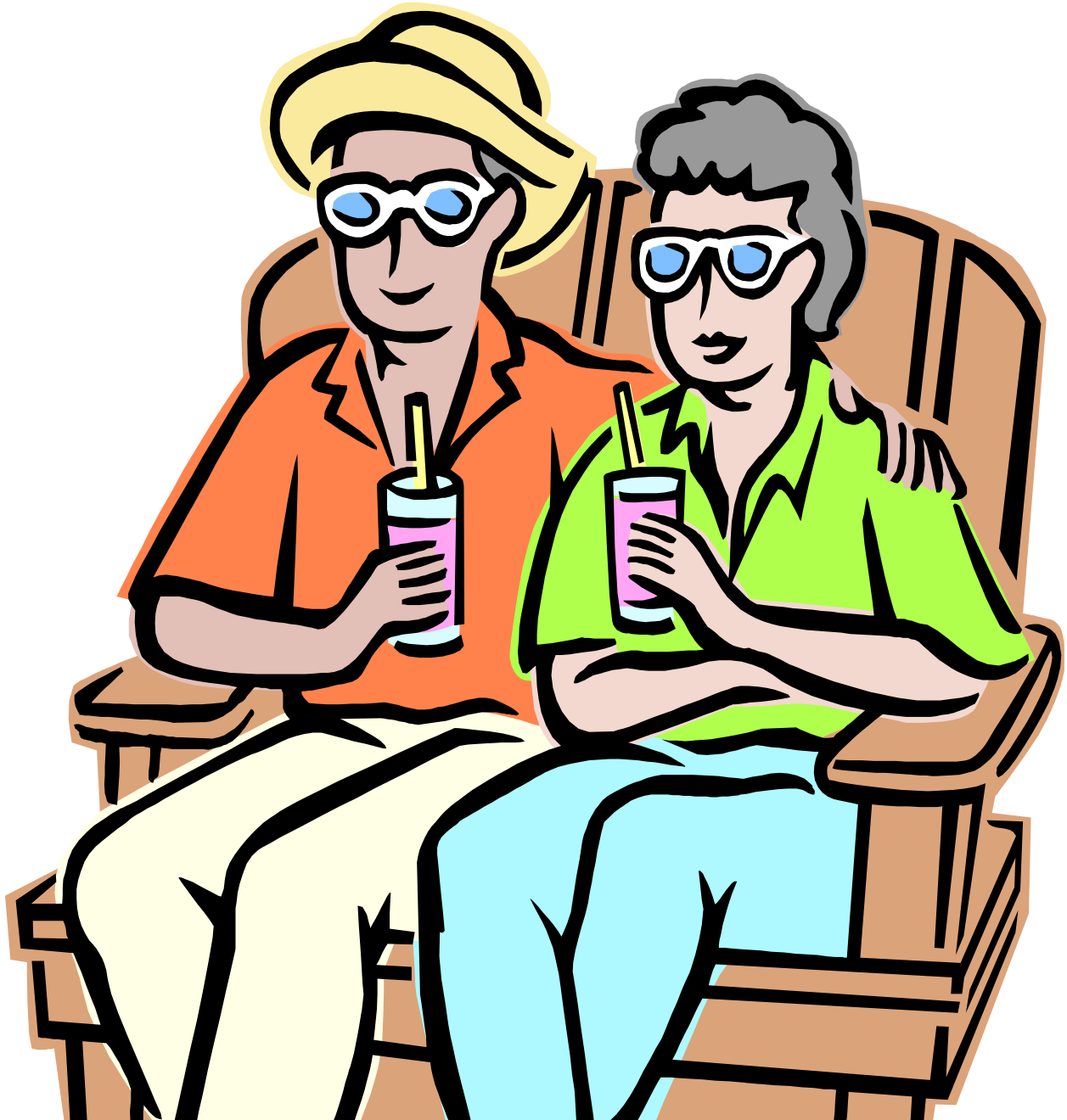
John had prepared a Living Will and Durable Power of Attorney for Healthcare, giving Mary the authority to make medical decisions for him, and John had clearly explained what treatment he wanted.

Because of his preparation, when the time came that John needed help, Mary was able to step in and carry out his desires.

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



**What do you gain by
having your legal
documents in place?**





1. Your Estate

If you have a Will or a Trust you have named a trusted person to manage your Estate or Trust and to distribute your belongings and property to the people you have designated. Things proceed in an orderly manner.



2. Your Finances

If you have a Financial Power of Attorney you have named a trusted person to handle your money and financial decisions if you are unable to do so yourself. This person knows what you want and in most cases, you won't need a court to appoint a Conservator for you.

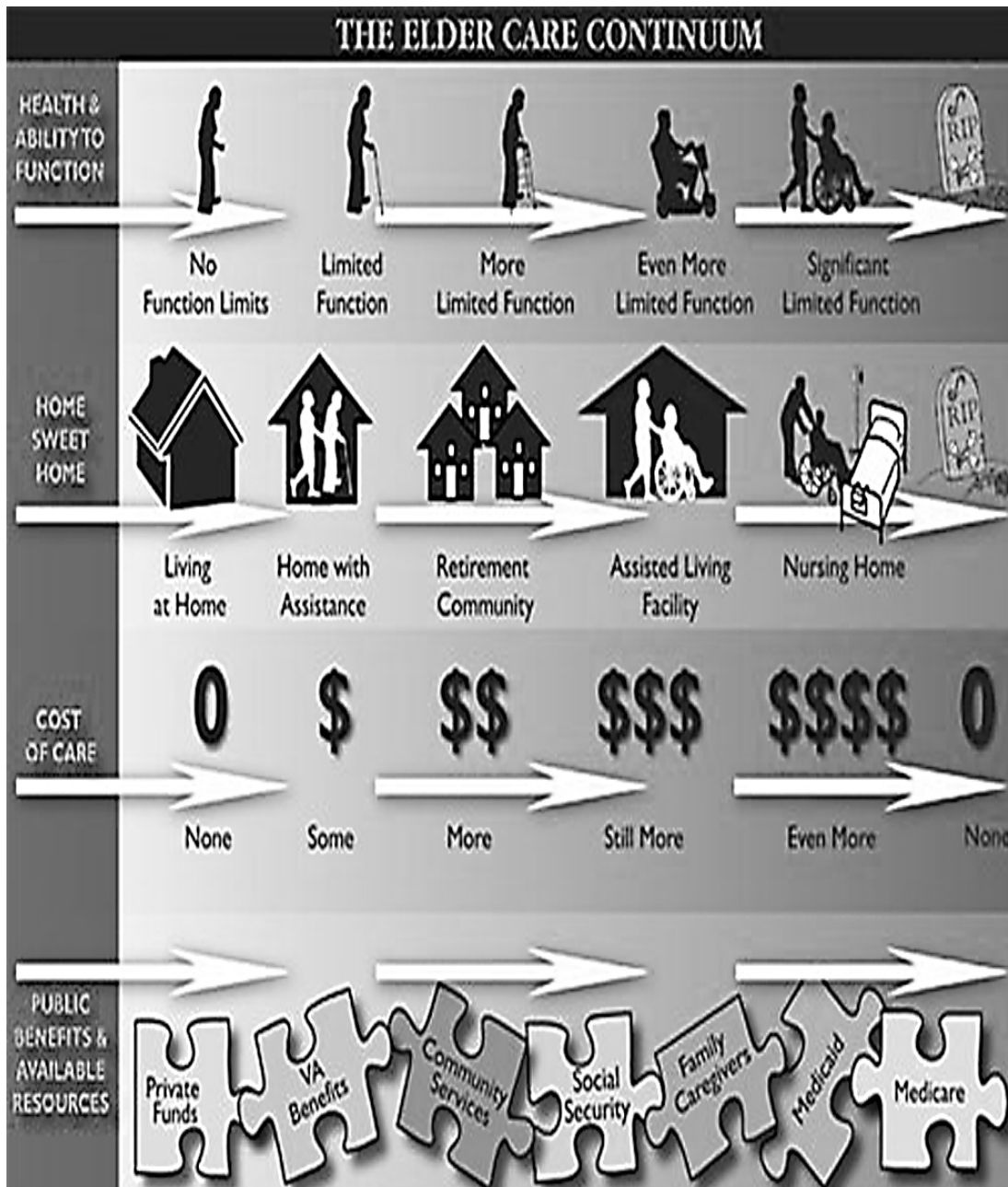


3. Your Health

If you have a Healthcare Power of Attorney you have named a trusted person to make medical decisions for you if you are unable to speak for yourself. This person knows your desires for medical treatment and in most cases, a court won't need to appoint a Guardian to make those decisions for you.

The Elder Care Continuum

As your ability to do things on your own gets harder, you may need more help, and that help can get expensive. This may require you to receive home health or move into a care facility in order to get the level of care you need.



Packer Elder Law

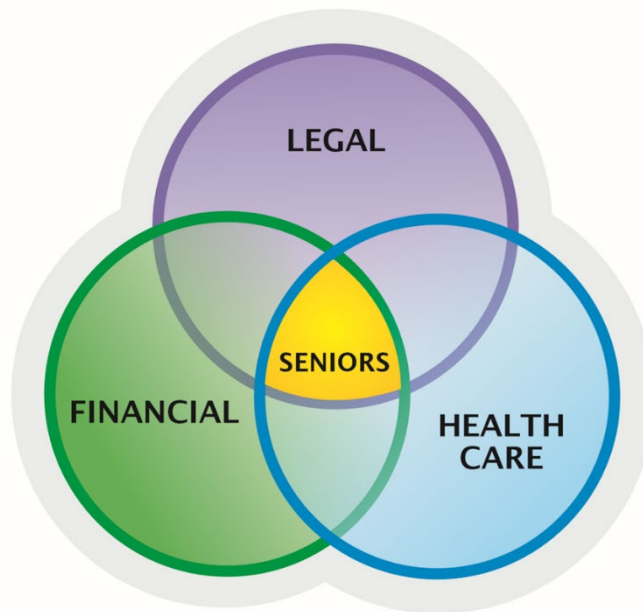
**Tom Packer is an Elder Law Attorney
serving all of Southeast Idaho.**

If you would like additional information or
have a question about a Senior's legal,
financial, or healthcare needs, please give us
a call.

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Senior Independence & Quality of Life





Thomas W. Packer is a Blackfoot, Idaho native who has been practicing law since 1982. He earned his Law Degree from the University of Utah and a Master's in Public Administration from Idaho State University.

Tom has served as a hospital and nursing home administrator at Lost Rivers Hospital. That experience gave him a firsthand look at the challenges seniors face and sparked a genuine desire to help them live better lives.

Today, Tom dedicates his work to serving seniors by offering:

- **Estate Planning / Probate**
- **Guardianship and Conservatorship**
- **Help with obtaining and paying for long-term care**

His unique background — both in healthcare administration and in law — gives him a well-rounded perspective that allows him to guide seniors and their families through some of life's most important decisions.

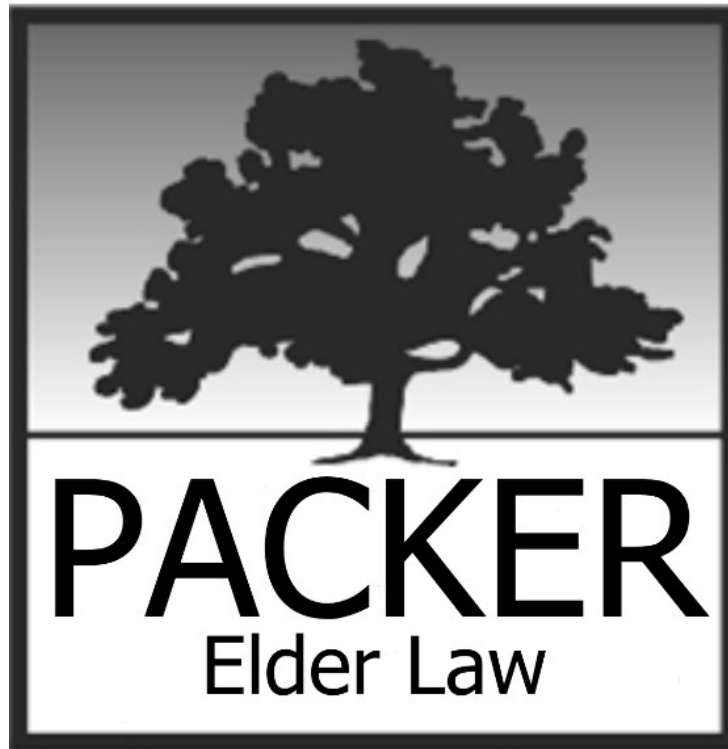
Client Testimonial

(April 2026)

Text to Tom:

We so appreciate all the time you spent with us. It was all so helpful. I just wish I had a recording to listen to again and recall everything. You were very generous with your time and knowledge and charged a fee that was much below the value. I've told several people about our good experience with you.

Thank you.



Packer Elder Law

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