

TRANSITIONING TREASURES, LLC

National Academy of Elder Law Attorneys, Inc.

TRANSITIONING TREASURES, LLC

*Specializing in
Senior Move Management,
Household Downsizing
and
Aging in Place Planning*

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What is NAELA?

The NAELA membership is comprised of attorneys in the private and public sectors who deal with legal issues affecting seniors and people with disabilities. Members also include judges, professors of law, and students.

The National Academy of Elder Law Attorneys, Inc. (NAELA) was founded in 1987 as a professional association of attorneys who are dedicated to improving the quality of legal services provided to seniors and people with special needs.

The primary focus of the Academy is education. The Academy sponsors continuing legal education programs on elder law for attorneys throughout the year, and provides publications and educational materials to its members on a wide range of elder law topics.

The Academy seeks to provide support to other organizations serving seniors and people with disabilities. NAELA also examines and advocates on public policy issues facing seniors and people with special needs, but does not provide direct legal services. The website offers comprehensive information on Elder Law and a host of available resources. If you are seeking legal advice, please contact an Elder Law attorney in your community.

www.NAELA.org



Questions & Answers When Looking for an Elder Law Attorney

Legal problems that affect the elderly are growing in number. Our laws and regulations are becoming more complex. Actions taken by older people with regard to a single matter may have unintended legal effects. It is important for attorneys dealing with the elderly to have a broad understanding of the laws that may have an impact on a given situation, to avoid future problems.

Unfortunately, this job is not made easy by the fact that Elder Law encompasses many different fields of law, some of which include:

- Preservation/transfer of assets seeking to avoid spousal impoverishment when a spouse enters a nursing home
- Medicaid; Medicare claims and appeals
- Social security and disability claims and appeals
- Supplemental and long term health insurance issues.
- Disability planning, including use of durable powers of attorney, living trusts, "living wills," for financial management and health care decisions, and other means of delegating management and decision-making to another in case of incompetency or incapacity.
- Conservatorships and guardianships
- Estate planning, including planning for the management of one's estate during life and its disposition on death through the use of trusts, wills and other planning documents
- Probate; Administration and management of trusts and estates
- Long-term care placements in nursing home and life care communities
- Nursing home issues including questions of patients' rights and nursing home quality
- Elder abuse and fraud recovery cases
- Housing issues, including discrimination and home equity conversions
- Age discrimination in employment
- Retirement, including public and private retirement benefits, survivor benefits and pension benefits
- Health law; Mental health law

Most elder law attorneys do not specialize in every one of these areas. So when an attorney says he/she practices Elder Law, find out which of these matters he/she handles. You will want to hire the attorney who regularly handles matters in the area of concern in your particular case and who will know enough about the other fields to question whether the action being taken might be affected by laws in any of the other areas of law on the list. For example, if you are going to rewrite your will and your spouse is ill, the estate planner needs to know enough about Medicaid to know whether it is an issue with regard to your spouse's inheritance.

Attorneys who primarily work with the elderly bring more to their practice than an expertise in the appropriate area of law. They bring to their practice a knowledge of the elderly that allows them and their staff to ignore the myths relating to aging and the competence of the elderly. At the same time, they will take into account and empathize with some of the true physical and mental difficulties that often accompany the aging process. Their understanding of the afflictions of the aged allows them to determine more easily the difference between the physical versus the mental disability of a client. They are more aware of real life problems, health and otherwise, that tend to crop up as persons age. They are tied into a formal or informal system of social workers, psychologists and other elder care professionals who may be of assistance to you. All of these things will hopefully make you more comfortable when dealing with them and ease your way as you try to resolve your legal problem.

