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Why Hire an Elder Law Attorney?

Elder Law is a legal practice area that encompasses multiple fields of law. Elder Law attorneys focus on legal concerns that pertain to the needs of seniors and individuals with disabilities. An Elder Law Attorney works with a number of legal tools and techniques in order to meet the needs and objectives of the older or disabled client.

Some of these issues include:

Planning for future long-term care costs and protecting assets. If a client requires long term care, an Elder Law attorney is familiar with different means and methods of paying for long term care and can help work with their client to develop a plan for finding and paying for appropriate care. Depending on the circumstances, the Elder Law attorney can also help work with their family to protect assets to the fullest extent of the law. Some programs that Elder Law Attorneys are familiar with and use frequently include:

Medicaid (referred to in Minnesota as Medical Assistance or MA): A government program that provides for people who are unable to pay for their health care costs. Medical Assistance can only be accessed when assets have been reduced appropriately. Specific eligibility criteria must be met to qualify.

Elderly Waiver (EW): A Medical Assistance waiver program that funds home and community-based services for people age 65 and older who are eligible for Medical Assistance (MA), require the level of care provided in a nursing home, and choose to live in the community.

Long-term Care Insurance: Privately purchased insurance policy used to cover the cost of care when a person needs aid in performing tasks like eating, bathing, dressing, toileting or walking. Each policy has specific coverage guidelines.

Veterans Benefits: Financial and health-related benefits which require a form of military service, a certain length of service, or disabilities resulting from the service.

Ensuring that you have the right legal documents executed to plan for disability or death. An Elder Law attorney can assist with disability planning for clients through using legal documents to prepare for financial and health care decision making during a period of either physical or mental incapacity. Some of these documents may include:

Health Care Directive (HCD): A written, legal document that designates a person to make health care decisions and states the wishes of an individual regarding lifesaving procedures in the event of a terminal illness or injury. This document is utilized when an individual is no longer able to make decisions on their own. It may also lay out other personal wishes and directions for end of life processes such as organ donation, cremation vs. burial, and funeral arrangements.

Power of Attorney (POA): A written, legal document that states who has the authority to act for another person in regard to legal or financial matters.

Wills: A written, legal document used in the probate process to direct the distribution of a person's assets after their death.

Revocable Living Trust: A written, legal document that provides management of assets during a person's life, during any period of incapacity, and after their death.

Assist during a period of incapacity in the event that you do not have legal documents in place. If you have not executed a Power of Attorney or a Health Care Directive, an Elder Law attorney can help with establishing a Guardianship or Conservatorship to allow a person's family to help make necessary decisions.

Guardianship: A legal proceeding to appoint someone to make personal decisions for the incapacitated person. These decisions include medical decisions, where to reside, etc.

Conservatorship: A legal proceeding to appoint someone to make financial decisions for the incapacitated person. The appointed person has the ability to enter into contracts, pay bills, invest the assets owned by the incapacity person, as well as other financial decisions.

Guide the administration of one's estate after their death. After death distribution of assets typically requires either a probate or trust administration. Elder Law attorneys can help guide families through these processes to ensure prompt, speedy administration of an estate.

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