

Legal Assistance of Western New York, Inc. ®

We provide free legal aid to people with civil legal problems in western New York.

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Is your family prepared for life after middle age?

The Top Five Hidden Legal Issues of Aging: Is your family prepared for life after middle age?

1. Beware of gifting.

Why not let your parents put your name on the deed to their house? Better than leaving it in a will, right? Maybe not.

Sure, avoiding court contact can be convenient for loved ones inheriting wealth. But if a homeowner enters a nursing home within five years of making a gift, they risk a penalty of tens of thousands of dollars. Legal help to prevent this is called “Medicaid planning.”

2. A POA today can prevent a guardianship tomorrow.

A Power of Attorney (“POA”) is a document you can use to give someone the ability to legally act on your behalf. Why do that? If you lose your ability to act on your own due to illness or age, you may be financially stranded without a POA. If a loved one wants to help you with money at that point, they will have to seek a guardianship.

Guardianship can be a lengthy and costly court process, but a POA can take less than an hour. Be careful, though: In New York State, it’s best to have a lawyer help you with your POA.

3. Make bedside decisions *before* you’re in the bed.

Sure, it’s uncomfortable to think about being too sick to make health care decisions, but isn’t it worse to imagine your family arguing at your bedside? Prevent this problem by completing forms called advance directives. The forms let you pick a health care decision-maker *and* decide for yourself to refuse certain treatments in advance. Doesn’t that sound better?

4. Sneaky debt collection practices: Do you even owe that?

Imagine: You get a huge bill in the mail for your late spouse's credit card balance, and now the bank is coming after you! Do you have to pay? Maybe not. It's a legal question, and debt collectors aren't the people to ask! Getting a lawyer could help.

5. Got home health aides? Welcome to employer liability.

If you have someone helping you with your home health care, you can be considered an employer and responsible for things like unemployment insurance. Make sure you know your duties before it's too late!

How can you prevent these and other hidden legal issues of aging? Come to the **Monroe County Elder Law Fair** for *free* legal information and one-on-one attorney consultations. To register for this event, please call 585-371-8429 or go to monroecountyelders.eventbrite.com.

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