



## Elder Law: Not Just For The Elderly

By Coin Adair Morgan, Esquire  
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By now, monthly editions of this newsletter have given you a good understanding of the basic concepts of Elder Law and its applications to your family's lives. With that said, frequently, individuals forego speaking with an Elder Law attorney due to misconceptions about the practice. In other words, most folks believe that Elder Law concepts are only applicable for people of an advanced age. Let's examine some instances where Elder Law is not exclusive to the Elderly.

### **Planning for Children with Disabilities:**

We are fortunate enough to live in a society that is advancing in its treatment, handling and acceptance of individuals with disabilities. Pennsylvania in particular has numerous programs to help these people receive the medical care, occupational opportunities and living conditions they deserve. Along with these programs, the medical field has progressed to the point where more and more disabled individuals are outliving their parents. While this is obviously an enormous positive, it presents unique issues for families engaging in estate planning.

Parents of children with disabilities need to address the balance between leaving wealth for the next generation with ensuring that doing so does not spoil any benefits programs in which their children may be enrolled. Elder Law Attorneys have numerous planning options for this very situation including: Third Party Supplemental Needs Trusts, sub-trusts within other estate planning trusts, etc. These tools that Elder Law Attorneys use on a regular basis for elderly individuals yield great advantages for younger disabled individuals as well.

### **Advanced Estate Planning:**

Estate Planning is evolving alongside our economy and becoming more complex. Where earlier practitioners focused primarily on the Federal Estate Tax and proper estate administration, modern clients are posed with numerous additional planning concerns. Clients are now facing issues including but not limited to: multiple marriages, income taxation on IRAs, large probate fees, the Capital Gains Tax, liability risk, protecting future generations and potential future medical expenses. Ignoring or mishandling these factors can present problems in the future.

As Elder Law practitioners, we work through these issues with our elderly clients regularly. We have numerous options through Trusts, fundamental estate planning documents and financial/tax planning maneuvers to navigate the unsure waters of estate planning. Unfortunately for our elderly clients, there are times when it is too late to address all of these factors before a crisis. As is true with most things in life, it is best to avoid procrastination.

## **Personal Injury Settlement/Award Planning:**

Unfortunately, there are many instances where individuals are hurt by the negligence or wrongdoing of others. Frequently, this can lead to severe and catastrophic injuries. While the law cannot completely make an individual whole again, Plaintiffs' Attorneys do their best to ensure that injured parties get the resources they need to live as normal a life as possible. What often goes unaddressed is the balance of having access to funds for quality of life with maintaining important and necessary government benefits programs.

Without the proper planning, the award or settlement from a Personal Injury matter can effectively "knock" an individual off of government benefits; or, worse yet, be locked away from the injured party to maintain those benefits. This leads some clients to wonder why they even brought the case in the first place. Elder Law practitioners have the answers for these types of situations. We use cutting edge trusts, compliant asset gifting and other innovative planning tools to keep an individual on necessary benefits while allowing them access to the funds received pursuant to their Personal Injury matter.

In summation, the vast majority of clients Elder Law practitioners service are of an advanced age. This leads many people to believe that Elder Law concepts have no practical application to their estate plan. However, taking into account circumstances such as: Personal Injury Settlements, Advanced Planning Needs and Special Needs Planning, Elder Law presents a wide range of services that are vital to folks in any age group. The common thread among all these practice areas is the intersection of age and disability issues.