

Medi-Cal Planning

Medi-Cal (the California name for Medicaid) is a joint federal and California program that provides payment for medical care, including paying for long-term care in a skilled nursing facility. Eligibility is generally based upon the amount of assets a person has along with the income that the person receives and, in the case of married individuals, the assets and income of both spouses are considered in the determination process.

Elder Law attorneys have carefully studied the Medi-Cal statutes and regulations and are able to assist clients in planning for the high cost of longterm care. Medi-Cal is often of importance to middle-income Americans because Medicare does not cover the costs of long-term care for illnesses such as Alzheimer's disease or paralysis caused by a stroke. Unless the proper planning is in place, most people who need such care for extended periods will eventually deplete their assets, become unable to pay the costs of their care, and leave no assets for their spouse's support and care or an inheritance for their loved ones.

Veterans Benefits Planning

Many of our Veterans and their families are unaware of the existence of the service pension benefits that are available. Wartime veterans or surviving spouses of wartime veterans should consult a qualified VA attorney to determine whether they could be eligible for a pension benefit.



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Estate Planning
Trusts
Wills
Powers of Attorney
Probate
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Conservatorships
Special Needs and Supplemental
Trusts
Long Term Care Planning
Asset Protection
Public Benefits Planning
Medi-Cal, SSI, VA Benefits



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Estate Planning

Estate planning is much more than preparing a will or tax planning for the disposition of your assets upon your death. Estate planning is the process of accumulating and distributing an estate to maximize the goals of the estate owner. Estate planning must also provide for administration and protection of assets during lifetime and for decision making in the event of a disabling illness.

Any complete estate plan should contain:

1. A Revocable Living Trust;
2. A Pour-Over Will;
3. An Advanced Health Care Directive naming an agent responsible for medical decision-making; and
3. A durable financial power of attorney naming an agent responsible for asset and financial management if one is unable to do such things for oneself.

Estate planning is an opportunity to make wishes known about your health care and asset distribution and to determine what person(s) will be responsible for carrying out those directives.

Should you fail to do such planning, then there may be confusion as to what your wishes might have been and who you would have preferred to act as your decision-maker. In fact, without such information, your wishes may never be known and could lead to family discord.

If you have minor children, it also provides the documents which will determine who will become the guardian of your children and safeguard their inheritance.

Trusts

A Trust is an agreement which determines how assets will be managed and distributed. Trusts can be Revocable or Irrevocable.

Trusts are not only for the wealthy as they can provide various benefits to meet asset protection and management purposes:

- A trust provides for instructions for the management of your assets during your lifetime and usually names someone to assume responsibility for them if you become incapacitated. This can often eliminate the need and expense of having a court appoint a conservator.
- Certain trusts can be used to help plan for reducing the costs of long-term health care associated with catastrophic illness.
- Trusts allow for the avoidance of the lengthy and expensive probate process.
- Trusts can be created to provide substantial estate tax savings for people with large estates by implementing irrevocable life insurance trusts, stretch IRA trusts, charitable remainder trusts or grandchildren trusts.
- Special Needs Trusts are used to manage assets for a person who may receive public benefits. Such a trust can provide funds for items not covered by such benefits without affecting the recipient's eligibility for the various programs available.

Trust Administration

Successor trustees often lack the time, resources or knowledge to properly administer a trust, and should rely upon legal, accounting and investment

professionals for assistance. Attorneys help successor trustee(s) deal with the complexities of trust administration.

Powers of Attorney

A person may not perform legal tasks for an incapacitated adult without legal authority. A power of attorney is a voluntary grant of authority to act for another person. A power of attorney is usually given to handle health care, financial and/or legal matters. A power of attorney for health care is called an Advanced Health Care Directive and includes your express wishes concerning the type of care you receive or wish not to receive, including end-of-life treatment. Because the rules which regulate power of attorneys differ from state to state, a qualified estate planning attorney should be consulted prior to executing documents that give access to one's financial and medical affairs to another person. For example, many states provide sample forms (particularly health care powers of attorney). Many are limited in purpose and scope. Unfortunately, the sufficiency of power of attorney forms is usually tested only after it is too late to make necessary revisions.

Conservatorships

A conservator may be appointed by a court for a person who needs assistance making medical or financial decisions and does not have existing trusts or powers of attorney in place.