



Law Offices

VASILIADIS & ASSOCIATES

Elder Law Solutions For Pennsylvania Seniors

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LAST WILL AND TESTAMENT

THESE PRESENTS that I, _____
and memory, do
testament, hereby



Elder Law ALERT

Volume III – Number 2 – September 2011

Estate Lost for Lack of Timely Advice

In 2004 Mary, a widow, consulted with Vasiliadis & Associates and put her legal affairs in order. Her arrangements included a comprehensive power of attorney, appointing her son, Jim, with authority to manage her financial affairs. After her health failed in 2008 Mary entered a nursing home. During the next two years her entire estate, worth over \$150,000, was consumed in paying for the cost of her care. Only after Mary died did her son, Jim, contact her attorney and belatedly learn that most of Mary's estate could have been saved. Ironically, the legal tools were in place in 2004. But Jim mistakenly assumed nothing could be done. "I thought it was too late", Jim explained. "Didn't gifting have to occur five years in advance?" "No", I replied. "Aggressive gifting occurs after nursing home entry, not before." This story is true. Only the names have been changed. Don't let Jim's mistake become yours. Get your legal advice from a qualified attorney. What you hear on the street is usually wrong.

Case Note – SPECIAL NEEDS TRUSTS - Lewis v. Alexander (E.D. Pa. 2011)

A federal court has overturned large portions of the Pennsylvania law regulating Special Needs Trusts. This type of trust, sometimes also referred to as a "Supplemental Needs Trust", or "SNT", is used by recipients of needs-based public benefits, such as Medicaid or Supplemental Security Income (SSI). An SNT allows the trust beneficiary to receive and retain an inheritance or other lump sum without losing his or her benefits. The trust fund becomes an extra or "supplemental" source of support available to provide for one's extra or "special" needs not otherwise affordable. An SNT enables an incapacitated public benefits recipient to rise above poverty level existence to an enhanced quality of life. But up until now those in Pennsylvania faced substantially greater limitations than federally mandated, in situations where the trust was funded with the beneficiary's own money. Those expanded limitations included a requirement that trust distributions have a "reasonable" relationship to the needs of the beneficiary, that the beneficiary have special needs that could not be met without the trust, that one form of SNT, a "pooled" trust, could only be established for persons under age 65, and, perhaps most onerous of all, that Pennsylvania's Department of Public Welfare (DPW) could petition the court to terminate the trust if it felt that these restrictions were not being followed or the trustee was simply not making distributions to DPW's liking. In striking down these provisions, located in Section 1414 of Pennsylvania's Public Welfare Code, the court noted: "Medicaid is no exception to the general rule that state laws that conflict with federal laws are preempted." Families of incapacitated persons should seek professional guidance, including drafting and funding an SNT. For more information on SNTs, contact Vasiliadis & Associates. Stanley Vasiliadis is a member of the Academy of Special Needs Planners (ASNP).

ELDER LAW ADVISOR –

Question: My mother recently entered a nursing home. Is it too late to protect her estate?

Answer: No. It's not too late. While advance planning is preferable, substantial assets can be saved even after one enters a nursing home or assisted living facility. Gifting, if done properly, is permissible.

FIRM NEWS –

Dionysios C. Pappas was recently featured on the cover of the August/September 2011 issue of NAELA News, published by the National Academy of Elder Law Attorneys. He was one of six attorneys recognized nation-wide in the field of Veterans' Benefits Planning. ... Vasiliadis & Associates provides free educational seminars for consumers and estate planners. The next such program, "Quality Nursing Home Care Without Going Broke", will be presented in October. Registration details will be posted on the firm's website, www.elderlaw-penn.com.



Meet Our Legal Team:

We are easy to reach and ready to help

Phone: 610-694-9455 | Fax: 610-694-9829



STANLEY M. VASILIADIS is a Certified Elder Law Attorney (CELA) as accredited by the Pennsylvania Supreme Court. No other attorney in the Lehigh Valley has attained this distinction. His firm represents clients throughout eastern Pennsylvania, primarily in connection with long-term care planning, trust and estate administration, and estate planning.



Dionysios C. (Dennis) Pappas practices in the areas of Elder Law, Estate & Tax planning, Trust & Estate Administration, and Veterans' Pension Benefit planning. Mr. Pappas is an accredited attorney with the Department of Veterans Affairs. He is admitted to practice in Pennsylvania and New Jersey.



George M. Vasiliadis concentrates his practice in the areas of estate and long term care planning and trust & estate administration. His professional affiliations include membership in the National Academy of Elder Law Attorneys. He is admitted to practice in Pennsylvania.

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The VASILIADIS DIFFERENCE

The field of elder law is constantly changing, so having the right legal team is absolutely critical. Vasiliadis & Associates is that team, the right team.

VASILIADIS & ASSOCIATES is a team of legal professionals dedicated to helping you achieve financial and personal goals related to aging, incapacity, and the transfer of wealth to the next generation. We represent clients throughout eastern Pennsylvania in the following areas:



- > **Long-term Care Planning:** structuring one's affairs so as to protect quality of life for oneself and for loved ones – physical and financial – in the event of chronic incapacity.
- > **Estate and Tax Planning:** structuring one's affairs so as to transfer wealth at death to desired beneficiaries in an orderly manner, at minimum cost while, at the same time, maintaining maximum control and enjoyment of one's assets during lifetime.
- > **Trust and Estate Administration:** assisting executors, trustees, guardians and agents under power of attorney in administering and distributing estates, trusts, guardianships and powers of attorney.
- > **Veterans' Benefits Planning:** assisting veterans and their spouses in qualifying for veterans' benefits to pay for care at home or in assisted living or skilled nursing facilities; advising allied professionals and corporate health care providers regarding veterans' benefits eligibility.
- > **Special Needs Planning:** assisting families of developmentally disabled persons and others with special needs in maximizing quality of life – physical and financial – for such persons. It emphasizes access to and preservation of public and private benefits for special needs persons without their forfeiting family resources.
- > **Nursing Home Litigation:** challenging, administratively and in court, denial and termination of public benefits; preventing nursing home discharge; quality of care advocacy on behalf of residents of nursing homes and assisted living facilities; seeking damages for wrongful death and serious injury to residents of nursing homes and assisted living facilities.

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