

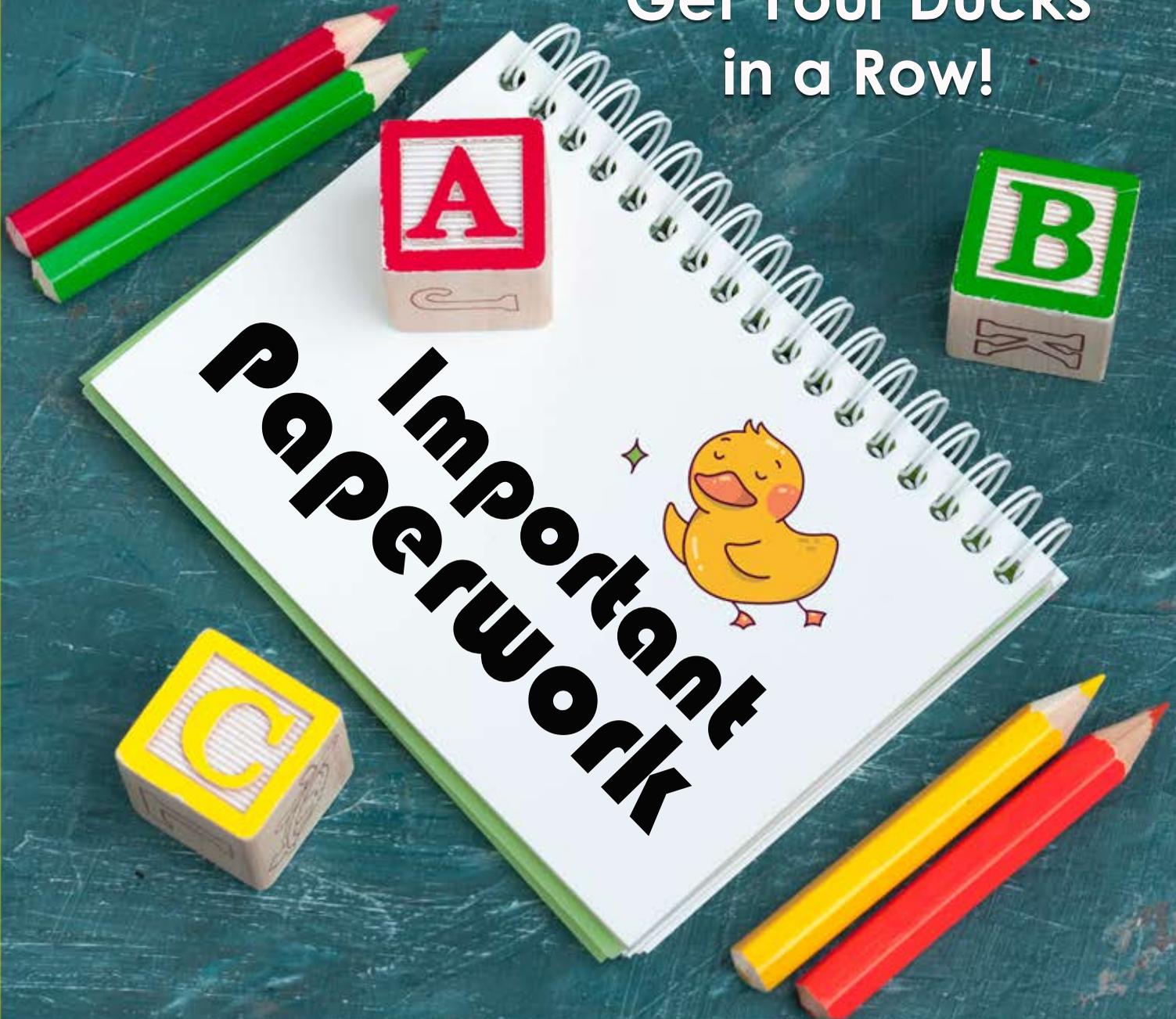


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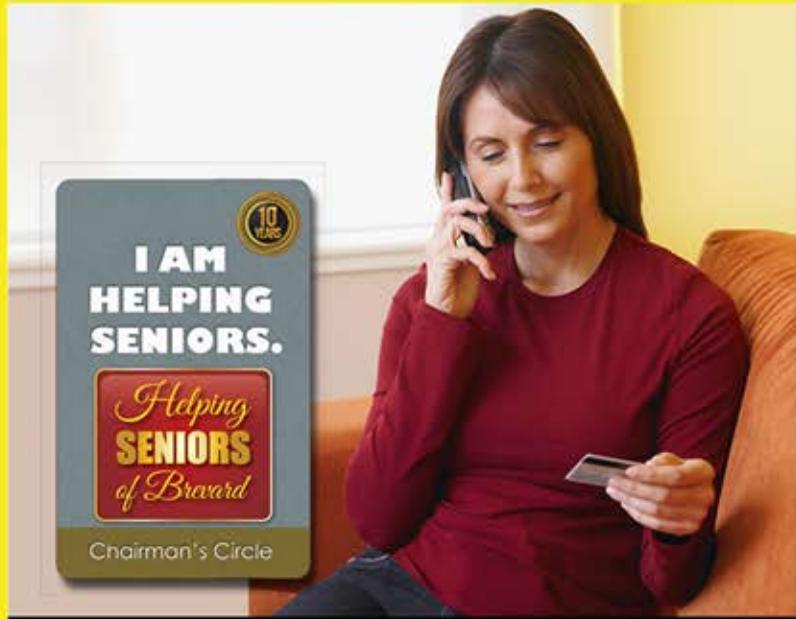
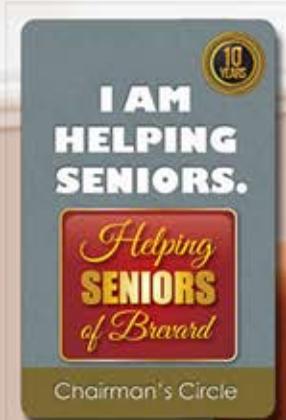
News from Helping Seniors Non-Profit

February 2022

Helping You
Get Your Ducks
in a Row!



Five Legal Documents You Need
for your own Aging Plan.



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*President's
Message*

A Word from Joe Steckler,
Our President & Founder



We are officially embarked on 2022 and have now completed one decade of service to our citizens of Brevard County. The need for our service was underscored by our new Operations Director, Nancy Deardorff. Though well schooled in the needs of the elderly, she has been completely amazed at the variety and importance of the needs explained to her by the numerous callers she worked with in December. Quite frankly, I too was surprised with the number and seriousness of the calls to the Helpline. The content of the calls only strengthened my belief in the need for our organization.

In December we started our Annual Fund Drive, which helps support our work. If you would like to make a tax-deductible donation, please call 321-473-7770, visit HelpingSeniorsofBrevard.org, or mail your check to us at P.O. Box 372936, Satellite Beach, FL 32937. I hope you will realize that we do need all the help we can get to do the much needed work. Any assistance will be much appreciated.

In February we will start a new lecture series at Zon Beachside Assisted Living on the last Monday of each month. The main thrust of the series will be "Getting your Ducks in a Row" – developing your own aging plan – complemented by associated lectures of continuing importance to the elderly. If for no other reason, plan to attend because Zon will have some of their wonderful cookies or rolls available, as well as a tour of their facility for those interested.

2022 promises to be an exciting year. We have midterm elections coming up and as citizens we have a responsibility to be as informed as possible so that we can make intelligent voting decisions.

I wish everyone a safe and successful 2022 and should you need help, please call us at 321-473-7770 or visit our website at www.HelpingSeniorsofBrevard.org for helpful information.



Paperwork 101

*Kerry Fink
Executive Director
Helping Seniors of Brevard*

Our Helping Seniors theme for 2022, as you have been hearing, is “Helping You to Build Your Own Aging Plan” - which we have euphemistically titled “Helping You Get Your Ducks in a Row.”

In this edition of **Helping Seniors News**, we want to focus in on “Important Paperwork” and cover, for starters, the “Big 5” that should be on your inventory of good documents.

We asked for help from three of the area’s Elder Law firms who specialize in this topic in mapping out our “checklist” of what we need - at a **MINIMUM** - to have as “bedrock” in our Aging Plan.

As you read through this month’s Helping Seniors News - you will find “Paperwork 101” information that will make a difference.

Checklist: Five Legal Documents You Need

We invite you to begin this “Checklist” process with the article titled “Five Legal Documents You Will Need” - it serves as the framework of basic tools every person, regardless of age, needs to have counted in their “Aging Plan.”

One common theme we keep hearing from the team of Elder Law firms who have been great resources to us at **Helping Seniors**, is that they so wish that folks would take a moment **NOW** to get these documents in place so that, were a crisis to occur, missing or poorly-executed paperwork won’t be the stumbling block in the efforts to resolve the challenges.

Let’s get started today! We hope you enjoy this issue of **Helping Seniors News** and will share it with your friends and family. Most importantly, we hope you will take a step here from these and be sure you are “Getting Your Ducks in a Row!”



Have You Thought About This?

*Nancy Deardorff
Operations Director
Helping Seniors of Brevard*

Well, 2022 is underway, and a new year brings a fresh start, a new beginning. Indeed, the new year is a time to reflect on the past and make positive changes as we look forward to the future.

Getting your legal ducks in a row such as estate planning is important to consider for your 2022 goals. Have you thought about this?

Estate planning is not just for the very wealthy. Estate planning ensures that your estate is managed according to your wishes after you are gone or if you become incapacitated. There are many components to a good estate plan:

- A Will expresses your wishes for distribution of your property and other assets. You and your attorney may also decide you need a Trust.
- It is very important to consider a Durable Power of Attorney so that your designated person can act on your behalf for instance, if you should you become incapacitated.
- An Advanced Directive such as a Living Will allows you to decide what you do and do not want medically if you become incapacitated.
- A Healthcare Surrogate is a document where you designate someone to help make healthcare decisions for you should you be unable to make those wishes known.

Estate planning and getting your legal ducks in a row can seem overwhelming, but your attorney will guide you through this process. Consult your trusted attorney and give yourself the gift of estate planning, give yourself the gift of peace of mind.

To donate or for information and resources, call us at **321-473-7770** or go to our website at www.HelpingSeniorsofBrevard.org.



Five Legal Documents That You Need

*William A. Johnson, P.A.
Elder Law Attorney*

The Coronavirus pandemic should make everyone consider if they have their legal affairs in order. At a minimum, you should have a last will and testament (and a revocable living trust, if needed), a durable power of attorney, a designation of health care surrogate, a living will, and a pre-need guardian declaration. An estate planning or elder law attorney can assist you with getting these documents done. If you have these documents already, make sure they are up to date and express your current wishes.

Obviously in this dire pandemic time, your healthcare is of prime concern. You should have your advance directive health care documents in place. This includes having a designation of health care surrogate to name who would make your health care decisions in if you are unable to give informed consent. Additionally, you should have a living will expressing your end of life wishes. Both are very important should you be rendered incapacitated and unable to express your healthcare wishes.

Similarly on the financial side, a durable power of attorney should be in place that designates someone to manage your financial affairs should you be unable to do so. Someone will need to pay your bills and manage your finances if you become laid up. This should be someone very trustworthy because you will be giving them the keys to your financial kingdom. Exploitation is a huge problem in Florida and the durable power of attorney is the favored tool of family exploiters.

A pre-need guardian declaration spells out who you want as the guardian of your person and property should a guardianship action be filed to determine your capacity. This document creates a presumption in favor of the person named in the document and absent them being a "bad" player, they

should be appointed.

Lastly, it is very important to have your estate planning completed. A valid last will and testament and perhaps a revocable living trust are needed. Do not forget that your beneficiary designations are likewise very important as well. The main goal should be to avoid costly and lengthy probate proceedings.

Finally, if you or a loved one finds themselves incapacitated, it may become impossible for you to sign documents. Likewise, if you are in a medical facility with restricted access, it may be impossible for someone to reach you to get documents signed. So do the planning ahead of time!

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The Power of the Durable Power of Attorney

*Ruth C. Rhodes Esq.
Rhodes Law, P.A.*

Many of the legal issues we face as we age or will be faced by our loved ones after we die can be easily avoided with an Aging Plan designed to avoid Guardianship and Probate.

If you lose capacity, your spouse or adult children will not automatically have the ability or authority to take care of your finances and property, and without the right legal documents Guardianship may become necessary.

A Durable Power of Attorney (“DPOA”) is a recognized lesser restrictive alternative to Guardianship if you lose capacity.

Although there are several documents that may make-up a complete Aging Plan, without a doubt the DPOA will be the workhorse of your Aging Plan.

The DPOA gives your chosen agent the authority required to take care of many legal matters, from paying your bills and managing your finances and property, to Medicaid Planning, just to name a few.

Creating an Aging Plan and naming the agents to act on your behalf are important decisions. Here are some tips for getting it right!

1. Choose your agents wisely.
2. Educate yourself about the powers you will grant to your agents in the various documents that make up your Aging Plan.
3. Consult an Elder Law Attorney to setup, review, or update your Aging Plan.

We’re here to help you set up your Aging Plan. Call us at (321) 610-4542 to schedule your **free** consultation today.



Who Will Decide About Your Health Care If You Cannot?

*Tyler Runte, Esq.
Law Office of Amy B. Van Fossen, P.A.*

A Designation of Health Care Surrogate (Health Care Power of Attorney / Health Care Proxy) gives legal authority to another person to make decisions about your health care if you cannot. This prevents the courts from getting involved if there is a disagreement between family members or the medical community as to what actions should be taken.

You will continue to make decisions about your care for as long as you are able – your surrogate only acts for you when you cannot. This may be for a short period of time such as when you are recovering from surgery or at the end of life, when your surrogate may make decisions about life support or nutrition that will extend your life or bring it to an end.

This is a difficult subject, but is important to discuss with your physician, family, and friends. The more your surrogate knows about your preferences, the easier it will be to carry out your wishes. If you change your mind over time, let others know and have your health care surrogate document updated.

Whom should you name as your surrogate?

- A family member or trusted friend.
- Someone who knows you well, respects your wishes, and will follow your instructions.
- A person who shares your values about faith, life, and death.
- Someone who can handle the responsibility.
- Surrogate(s) can act independently, together, or one as backup for the other.

If you have been asked to be someone’s surrogate, consider if you would be able to follow his/her wishes when the time comes. Some people consider it an honor to be asked, but you don’t need to walk this journey alone. Contact us to learn more. Our attorneys will ensure that your loved one’s wishes are in order before you need to make any decisions.



Trust Funding Part 4 of a 4-Part Series

Tyler Runte, Esq.
Law Office of Amy B. Van Fossen, P.A.

Trust Funding – Financial Accounts

When creating a revocable trust, it is important to understand how to transfer assets to your trust. To avoid probate and gain other benefits of having a trust, you should transfer your property to the trust as soon as possible.

However, before transferring ownership or changing beneficiary designations of any retirement accounts or annuities to your trust, please contact a tax professional regarding tax consequences. Even though your retirement accounts and annuities may not be owned by the trust, probate can still be avoided if there are designated beneficiaries.

Bank accounts should be transferred to the trust by changing the name on the accounts. It is important to change the name on each bank, brokerage, and money market account that you wish to be owned by the revocable trust. Each financial institution holding an account should be contacted to change the current owner of the account to the trust. If the bank allows, you will be able to keep the same account numbers on your accounts.

The financial institution will want to see a copy of your trust or the Certificate of Trust to verify the trust exists. After the name change takes place, check your account statements to ensure they reflect the name of the trust as the account owner.

If you have a safe deposit box, you may want to change the registration to your revocable trust. This can avoid a probate proceeding following death which may otherwise be required to open the box if the deceased is the only authorized name on the box.

Contact us to schedule an initial consultation where we can review your circumstances and discuss how our Brevard County Elder lawyer can help you. Call Amy B. Van Fossen, P.A. at 321-345-5945.



Medicaid Planning – Paying for Long-Term Care

Ruth C. Rhodes Esq.
Rhodes Law, P.A.

Nursing home care costs between \$8,000-\$12,000 per month or more, and fulltime care at home can easily cost \$100,000 per year! You may be surprised to learn that neither Medicare nor health insurance pay for Long-Term Care.

There are three main sources for paying for Long-Term Care: self-pay, long-term care insurance, or Medicaid.

There are two main Medicaid programs that help with the costs of Long-Term Care: Medicaid for at-home or assisted living care which provides a *limited* amount of assistance and has a *long* waiting list, and nursing home Medicaid which does not have a waiting list. Both programs require the applicant have no more than \$2,000 in countable assets and no more than \$2,523 per month income.

If you are over assets or over income, there are ways to still qualify.

Oftentimes, we meet a family or applicant seeking Medicaid benefits *after* assets have been unnecessarily spent down, or *after* assets were given away during the 5-year look-back, or *after* other damaging actions are taken. Of course, it would have been better had they sought professional guidance *before* taking such actions, but *it's never too late* to get help.

An Elder Law Attorney well-versed with Medicaid Planning techniques knows how to get an applicant qualified for Medicaid even though they are over income or assets. Whether facing a crisis or planning-ahead, we are here to help you navigate the Medicaid process. Help is just a phone call away! Call us at (321) 610-4542 to schedule your *free* Medicaid Planning consultation today.



Wills and Probate

*William A. Johnson, P.A.
Elder Law Attorney*

All wills go through probate but not all assets do. Assets that have a surviving joint owner with survivorship rights, assets held in a revocable living trust and assets with a beneficiary designation (other than "estate") all avoid probate.

Probate is the process where you admit the last will and testament into the court system so that a judge may appoint a personal representative to manage your estate. The personal representative has many duties under Florida law (too numerous to list here).

Needless to say, you can deduce that by going through the court system to retitle assets to your heirs is probably not the most efficient way. There are many fees and costs associated with probate as well as significant time delays. This can all be avoided through properly planning your estate.

If there are assets that need to pass via probate to your heirs and you died without a will, then there will need to be an intestate (without a will) probate proceeding. Intestate estates are covered under Florida Statutes 732.101 through 732.111. The statutes determine how the estate will be divided amongst your heirs.

For example, if you die intestate and are survived by a spouse but have children from a prior marriage, then your spouse would get a one half share and your children would get to divide the other half. As you can see from my example this may not be the outcome you wanted.

Seek the advice of an estate planning or elder law attorney to avoid these pitfalls.



Understanding the Senior Real Estate Specialist's Role

*Debbie Beard, SRES® Broker/Owner
Next Chapter Real Estate, Inc.*

In the beginning of each new year, people reflect on their life or situation and decide to make changes. Change is easier said than done. It involves planning, time and organizing the details.

One of the biggest changes most people endure is selling their home and moving to a new location. If you have lived in your home for 15-20+ years, you know you have bought a lot of "stuff". This adds to the challenge of selling and moving. Health issues add more obstacles. So how do you overcome these obstacles to sell your home and move to your next home? My best advice is to hire a Senior Real Estate Specialist, SRES®.

As things become more complex you need a specialist. Just like you may have a primary physician but when issues become more complex you see a specialist, such as a cardiologist. A Realtor® is a general real estate agent while a Senior Real Estate Specialist® has additional training to manage the complex transactions often associated with a 55+ client.

As a SRES®, I like to meet with my clients 3-4 months PRIOR to listing the home for sale. There is an enormous amount of planning and coordinating that needs to happen "behind the scenes" before listing your home on the market.

In this series we will discuss the process of selling your home for top dollar while making the transition as stress-free as possible. Unfortunately, I receive calls from seniors who did not use a SRES® to list their home for sale, scheduled to close in a week but still have a house full of stuff. They are in a panic not knowing what to do. Every situation is different.

I offer a FREE consultation to discuss selling your home, obstacles and where you are moving to. Together we come up with the best plan for your Next Chapter.



Understanding the Veterans' Aid & Attendance Benefit

Katie Jackson Stolz, Esq.
Law Office of Amy B. Van Fossen, P.A.

Elderly veterans who served during a wartime period and their surviving spouses may be entitled to a pension benefit known as Veterans' Aid & Attendance. Attorney Amy B. Van Fossen is accredited by the U.S. Department of Veterans Affairs to handle Aid & Attendance claims. She can help determine your eligibility and make sure you receive the maximum benefit for your service to our country.

Veterans' Aid & Attendance is a tax-free benefit awarded monthly to supplement out-of-pocket medical expenses. The benefit can be used to help pay for in-home professional nursing care, assisted living rent, medical insurance premiums, prescription drug co-pays, and more. The program also allows for a family member to provide medical care to the veteran or surviving spouse.

Veterans' Aid & Attendance will pay qualifying veterans up to \$2,431 per month and the widowed spouses of veterans up to \$1,318 per month. To qualify, the following requirements must be met:

- The veteran or spouse must be age 65 or older.
- The veteran or spouse must have valid medical expenses and medical needs, which may include long-term care needs.
- The veteran must *not* have received a dishonorable discharge.
- The veteran must have served at least one day during a wartime period and at least 90 days on active duty.
- The veteran or spouse must meet certain asset and income restrictions.

Never assume you or your loved one is ineligible for Veterans' Aid & Attendance. Talk to attorney Amy B. Van Fossen to see if you are eligible for this important benefit.



What Are You Hearing About Root Canals?

Lee Sheldon, DMD
Sheldon and Furtado, PLLC

Root canals are good for you if they are done correctly. If successful, a root canal allows the tooth to function normally. If not successful, we can see evidence of an infection on the x-ray as a dark spot around the end of the root of the tooth, or the tooth remains painful.

What is a root canal? It is a procedure that removes the infection or damaged blood vessels from the tiny chamber inside of a tooth. Picture a chicken bone. The root canal is where the marrow is, but a lot narrower.

The success of a root canal has to do with three factors:

1. The success at finding every canal (There is at least one canal for each tooth root.)
2. The thoroughness of cleaning each canal
3. The quality of the seal of the root canal
 - 1) Front teeth often have single roots. Back teeth have multiple roots. Within each root, there can be more than one canal. So each canal needs to be found and its contents removed. Finding canals is enhanced by the use of a surgical microscope.
 - 2) The success of a root canal has everything to do with the thoroughness of cleaning the inside of the canal. That thoroughness may be enhanced through sonic waves or lasers.
 - 3) Success of the seal depends on the condensation of a rubbery material called gutta percha.

Do I see failed root canals? Sometimes. I then send the patient to a good endodontist who can successfully retreat the root canal and heal the infection. How do I know? The pain goes away or the dark spot on the x-ray disappears within a few months. Despite our best efforts, root canals sometimes fail. That's when we remove the tooth and replace it, often with a dental implant.



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