

CHOOSING AN ELDER LAW ATTORNEY

The process of finding and choosing an elder law attorney begins by identifying that you need an elder law attorney. So the question is: Why would you ever need an elder law attorney?

Here are some questions to ask yourself:

- Do you or a loved one have questions about paying for long-term care?
- Are your wills and powers of attorney up to date and in compliance with current law?
- Do you need advice on what kind of care your loved one needs and what their rights are?
- Are you looking to preserve assets for the duration of your illness?
- Are you concerned about assets being left for a spouse's care in the future?
- Have you or a loved one been diagnosed with dementia, Parkinson's Disease, ALS or any other chronic medical condition which will, most likely, require long-term care?
- Do you need to pursue guardianship on behalf of a loved one?
- Do you need information on Medicaid planning?
- Do you or a loved one have a disability that you need to, legally, plan for?

If you can answer yes to any of these questions, you may need an elder law attorney.

Once you have identified that you need an elder law attorney, the next step is finding one. Since laws are different for each state, and since attorneys must be licensed by the state, it is important to find an attorney licensed in the state where you, or your loved one whose planning is being concerned, lives (or maybe in the state where their property is located, depending on the issues).

When Evaluating an Elder Law Attorney, Here are Some Good Questions to Ask:

Is he/she a CELA or a Certified Elder Law Attorney?

This special certification is the "gold standard" for elder law practitioners. Selecting an attorney who has been certified as a CELA means that you are choosing an attorney who has gone above and beyond to prove their commitment to older adults / people who have a disability.

–Both Janna Dutton and Kathryn Casey are CELAs.

Does he/she practice more than just estate planning?

An elder law attorney is **not the same** as an estate-planning attorney! Although most elder law attorneys incorporate estate planning into their practice, elder law planning is different from estate planning.

Elder law planning seeks to preserve your money, income and assets to be used for your benefit and care while you are still alive. Estate planning focuses on the distribution of your assets after you die. Elder law attorneys have a deep understanding of the regulations for public benefits, the rights of older adults / people who have a disability, and the unique needs of families caring for an aging loved one. Make sure the attorney you choose practices more than just estate planning!

Does the firm have a care coordinator?

Care Coordinators can be there to educate the family and help navigate through the long-term care maze. As questions arise about housing, caregiving, end-of-life issues, community-based resources, etc., a Care Coordinator can be a consistent source of support for clients and families. Most families who visit an elder law attorney need more than just legal or financial guidance; they need to know how to access the best care possible for themselves or their loved one. Working with an elder law attorney who has a Care Coordinator on staff will help give you the holistic support you will likely need.

—Erin Vogt, a licensed Clinical Social Worker who concentrates in aging and disability issues and is a certified care manager, is our Care Coordinator.

When you have questions related to elder law, estate planning, probate, and guardianship, think of the attorneys at Dutton Casey & Mesoloras. With over 130 years of combined legal experience, you can depend on our team for the knowledge, advice, and support you deserve to resolve your legal needs.

Resources:

National Elder Law Foundation – www.nelf.org

National Academy of Elder Law Attorneys – www.naela.org

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