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Ettinger on Elder Law Estate Planning

Michael Ettinger Esq.

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"Elder Law Estate Planning" is a niche area of law which combines the features of elder law and estate planning that pertain most to the needs of the middle class. In 1991, AARP published a "Consumer Report on Probate" concluding that probate was a process to be avoided. That marked the end of traditional will planning and started the "living trust revolution". Since then, millions of people have set up trusts to: * Save time and money in settling the estate * Avoid legal guardianship if they become disabled * Avoid having their personal and financial matters made public * Reduce the chance of a "will contest" * Keep control in the family and out of the court system By 1990, the field of elder law also emerged to help people navigate the increased complexity of state Medicaid rules and regulations, the soaring costs of nursing home stays, and the fact that people were living considerably longer. Elder law and estate planning continue to grow independently of each other, sometimes to the detriment of clients. Estate planning lawyers are of little value when the estate plan to avoid probate fails to prevent a nursing home stay consuming all of the assets, because the lawyer is unfamiliar with elder law. On the other hand, elder law attorneys often protect assets but overlook basic estate planning issues such as saving taxes and keeping assets in the blood. The practice of Elder Law Estate Planning means: * Getting your assets to your heirs, in the best possible way, with least amount of taxes and legal fees * Keeping those assets in the blood for your grandchildren, and * Protecting your assets from the costs of long-term care and qualifying for government benefits available to pay for care. Middle class clients today need an "elder law estate planning attorney" to address their estate planning needs as well as to help with long-term care, disability and Medicaid issues as they arise.

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