



SEVERNS & HOWARD FIRM NEWS:

No two persons' circumstances are exactly alike. The process of making a Lifetime Plan is a very individualized and personal process. Preparing a Will or creating a joint bank account just like your neighbor's makes no more sense than taking your neighbor's medicines.

Building and properly equipping your Response Team by developing a comprehensive Lifetime Plan with expert advice will help assure that both you and your loved ones will be protected and able to get life's business done even if the unexpected happens.

To learn more about how Severns & Howard can assist you in creating that peace of mind and setting your personalized Lifetime Plan in place, please contact our office to schedule a free 30-minute intake call with our paralegal Alesha Dugger to further discuss your needs and how Severns & Howard can further assist you to meet those goals.

IN THE MONTH OF SEPTEMBER:

"But now in September the garden has cooled, and with it my possessiveness. The sun warms my back instead of beating on my head ... The harvest has dwindled, and I have grown apart from the intense midsummer relationship that brought it on." - Robert Finch



September is:

- Classical Music Month
- Fall Hat Month
- Hispanic Heritage Month
- Self Improvement Month
- National Sewing Month
- Healthy Aging Month
- World Alzheimer's Month
- National Cholesterol Education Month
- Pain Awareness Month

September Weekly Events:

- Week 2 National Suicide Prevention Week (Sept. 8–14)
- Week 3 National Indoor Plant Week

On This Day in September:

- September 2 Labor Day
- September 6 Read a Book Day
- September 8 Grandparent's Day
- September 11 911 Remembrance
- September 15 National Women's Friendship Day
- September 16 American Legion Day
- September 23 Autumn Equinox - Fall begins!
- September 23 Falls Prevention Day
- September 29 Rosh Hashanah - begins at sundown
- September 29 World Heart Day

Why Would I Want an Irrevocable Trust?

By Associate Attorney Jacqueline Jaques

In our May Newsletter, I wrote an article about irrevocable trusts. Typically, once you put an asset into an irrevocable trust, you no longer have control over that asset – you lose your ability to use that asset as you wish.

Why, you may ask, would I ever want to give up control of my own assets? I've worked my entire life to pay off the mortgage on my house and to build up my investments. Why would I give those up? In most cases in which we help clients create irrevocable trust, the answer to that question is, "So you can protect them in the event that you need long-term care."



If your ability to care for yourself declines, and you find yourself considering a move to an assisted living facility or a skilled nursing facility, you're going to have to figure out how to pay for that care. For most people, the cost of assisted living or skilled nursing care far exceeds their income, and in spite of a lifetime of careful saving and planning, their life savings will soon be depleted if they have to pay for that care by themselves. Fortunately, programs like Medicaid and the Aid & Attendance benefit through the Veterans Administration are available to help pay for those costs. Both of those programs are needs-based. In other words, to qualify for benefits, the applicant's available resources (the money and assets available to them to pay for their care) must not exceed certain limits.

It is painful for many people to think that they will have to use up almost all of their life savings to pay for long term care. As they were making sacrifices over the years to build their savings, they did not envision paying all that money to a nursing home. Perhaps they envisioned using the money they were saving to travel with their spouse, or to help pay for their grandchildren's education, or to leave an inheritance for their children. It's difficult enough to accept the drastic life changes involved in a move to assisted living or a nursing home; it's even worse to think that your life savings are going to be drained in the process.

An irrevocable trust can be a useful tool to help you preserve your savings while becoming eligible for Medicaid or VA benefits. If you place assets into a Medicaid-compliant or VA-compliant irrevocable trust, those assets should not count toward the resource limit in determining your eligibility for benefits. Here are the answers to some questions that many people ask about irrevocable trusts and benefit eligibility:

Why don't those assets count? Basically, they don't count because they don't belong to you anymore. You no longer have the authority to spend the assets in your trust, so you can't freely use them to pay for your care. Therefore, under Medicaid and VA rules, assets in a compliant irrevocable trust don't count as resources that are available to you.

What happens to the money and assets I place in the trust? The flip answer is "whatever the trustee wants to happen." Remember, once the assets are placed in the trust, the trustee controls how they are managed and how they are spent. Therefore, it is very important that your trustee is someone in whom you have unshakable confidence to protect that money and use it in a way you would want it to be used. It is also very important that the people you name as lifetime beneficiaries – the people who are eligible to receive distributions from the trust during your lifetime – are people you trust to take care of you if you need financial assistance. For most people, this means that the trustee will preserve the trust assets, and that the beneficiaries will only request distributions if they need them to help you out (e.g., to purchase items for you or to help you pay for care that is not covered by your insurance or other benefits).

Can I transfer assets into an irrevocable trust now in order to qualify for Medicaid or VA benefits immediately? Not without a penalty. Both Medicaid and VA rules have a "lookback period" – Medicaid's lookback is five years prior to the application, and the VA lookback period is three years prior to the application (but only after October 18, 2018). If you have given money or assets away during that time, it is fairly likely that you will be assessed a penalty period – a number of months during which you will have to privately pay for your care – based on the value of the assets you transferred away. Therefore, it is important that you obtain legal counsel prior to making any such transfers if you are concerned about having to pay for long-term care in the next five years.

* * *

Planning for long-term care can be a daunting process. The sooner you begin, the more tools you have available to you to preserve your assets from being depleted by the costs of that care. The attorneys at Severns & Howard can help you evaluate your needs and guide you in creating a plan that will give you peace of mind.

Assisted Living – Part II: Questions to Ask When Selecting a Facility and the Financial Aspect of Living in An Assisted Living Community

Contributed by Paralegal Alesha Dugger

In our May Newsletter our article, "Assisted Living – Part I: What is Assisted Living and how do I decide if it is the right move for me or my loved one?" discussed what an assisted living community is and gave five strategies for talking about and determining whether assisted living is right for you or your loved one. In follow-up, this month's article presents items to consider and questions to ask when selecting an assisted living facility. We will also discuss how to plan for the financial aspect of an assisted living facility.



By 2030, 20 percent of U.S. residents will be retirement age and because healthcare has improved and life expectancies have extended, more people are living longer after they traditionally have stopped working. Due to the ever increasing number of retirees and the need for living facilities and care for such residents, the number of assisted living facilities is increasing throughout the country. With so many new facilities opening each year that offer different levels of care, varying services, different room layouts, and each varying in cost; it can be difficult to decide which facility is right for you or your loved one.

When beginning your search it is important to visit each facility both for an unscheduled impromptu walk through and for a scheduled tour with the facility director. When you visit a facility during an unscheduled walk through we suggest going during a meal time which will allow you to see and smell the food, as well as to see how the staff interact with the residents. A scheduled tour with a facility director will allow for you to see more of the room layouts, staffing and amenities, as well as ask important questions. Below are six suggested questions to ask when selecting an assisted living facility.

Below, we have provided a list of items to consider and suggest six questions to ask when touring the different facilities in your area.

1. What are my needs, what individual preferences and concerns do I have? Begin thinking about what your loved ones current needs are and what needs they may need in the future. This may help to eliminate the need for numerous moves in the future, which can preserve a higher quality of life, reduce disruption and help lessen the effect that a move can have on loved ones with dementia or Alzheimer's. Making a list of questions to ask that are specific or important to your loved one can allow for a level of comfort for them when choosing the facility. For example, you may ask about bringing your own furniture or if any furniture is provided, if you are allowed to bring a beloved pet, or if there are any restrictions such as alcohol, smoking, or overnight visitors.
2. How much will it cost? Asking about base rent or a daily rate, as well as asking about what is included in the different levels of care and how much each level costs per month, can help to create a budget and assist in determining your financial ability for such a facility. Also, be sure to inquire as to whether such fees increase annually and if so by how much; if there is any upfront fees to move-in or a buy-in requirement; if there are any other a la care fees that are not part of the monthly fee; and, the difference in fees if you move to a different area of the facility, such as memory care. Many facilities will gladly share a copy of their contract so that you can review it thoroughly. Below we will discuss further a couple options for financial assistance to allow for your loved one to afford an assisted living facility.

3. Where is the facility located in relationship to loved ones and friends? Location to family and friends or even their familiar community, such as church, doctors, grocery stores, can be important to helping your loved one to maintain relationships and assist with cognitive stability.
4. What activities and amenities are available? Each facility will offer different activities and amenities, such as outings to community events, shopping, facility events, and even how and when they offer meals and snacks. If social activities or the availability of transportation to churches, stores, and community events are important to your loved one, be sure to ask about the availability and schedules that will keep them connected to the activities they enjoy. Food is an important part of many people's lives and how we enjoy our food or meals can be an aspect that is important to your loved one. Many facilities will invite you and your loved one to join them for a meal at the facility during your scheduled tour so that your loved one can determine if the facility meets their dietary and dining needs.
5. How is health care delivered? It is important to ensure that the facility health care services are right for your loved one and their future care needs. Inquiring about the medical care your loved one will receive at each level of care is important, as well as inquiring about how the facility physician, nurses, and social workers interact with the residents and the residents' personal physicians or caregivers. Ensuring that your loved one can continue with their primary care physician or other specialists in the community is important for continuity of care and familiarity of providers can be important as well. Asking if the facility has had a resident with the same or similar care needs as your loved one or if the staff is able to handle the care your loved one does (or will) require based on their condition, may also help determine if the facility is a good fit for your loved one.
6. What differentiates this facility from all the others? Each facility is going to show you the wow factors or those amenities that make them stand out from other facilities. Asking how they stand out from other facilities in the area will allow you to see if these factors are important to your loved one and if these amenities will fit your loved ones needs and allow them to live in comfort.

"Can I afford to live in an assisted living facility?" is usually the first question everyone asks themselves when deciding on this next phase of their life. Many find the financial aspect of the move to an assisted living facility the most difficult and daunting part of the decision-making process. Facilities typically rely on private payments from their residents, which means, the resident's income (or supplementing such income from their retirement savings) can meet the financial costs of the facility and the level of care they will need.

However, there are many benefits that are available to assist your loved one with this new financial decision. If your loved one is a veteran, or the spouse of a veteran, they may be eligible for the VA Aid and Attendance benefit. The VA Aid and Attendance benefit provides additional income to the veteran and/or their spouse to assist in paying for an increased level of care they receive. This is a needs based benefit and therefore requires certain eligibility requirements to be met. With VA Aid and Attendance the benefit is paid directly to the person and not the facility, therefore the benefit does not dictate the facility choice for your loved one. A second benefit that may be available to your loved one is the Medicaid Waiver program. This program is also a needs based benefit and requires certain eligibility requirements to be met. However, this program differs from VA Aid and Attendance in that the choice of facility is limited to an assisted living facility that has been Medicaid certified by the State of Indiana. If eligible, the State of Indiana Medicaid Waiver program allows for your loved one to pay for such care at an assisted living facility from their income, while Medicaid pays any remaining costs of the facility directly to the facility. This helps your loved one to possibly pay for remaining expenses such as supplemental healthcare, food, or additional utilities depending on their remaining income.

The attorneys at Sevens & Howard, P.C. specialize and are knowledgeable in both VA Aid and Attendance and Medicaid Waiver for assisted living. Our attorneys review financial assets, healthcare needs, and discuss with you how you or your loved one can meet the eligibility requirements for one of these needs based programs to assist in paying for an assisted living facility. Meeting with one of our attorneys to pre-plan for your future needs or at the time of need for a you or a loved one to discuss your options for long term care needs can alleviate stress and worry about how to afford and receive the care you need as you age. To schedule an appointment with a Sevens & Howard attorney to begin these important discussions, please contact our receptionist at (317) 817-0300 to begin the intake process.

Upcoming Events!

Join us on September 27th from 8:00 a.m to 2:30 p.m. at Community Health Network's 12th Annual Senior Health Fair, A Fair to Remember held at the Indianapolis State Fairgrounds. Partner, Anna Howard and Paralegal, Alesha Dugger will have a booth set up to talk to attendees about Sevens & Howard's services and the importance of comprehensive estate planning for long term care. Community Health Network will be hosting an array of over 100 different vendors specializing in older adult needs and screenings to check your numbers. There will be pneumonia and flu shots available on-site and they will have a Community Health Network Physician Panel, as well as updates on the exciting changes at Community Health Network. You will also enjoy a wonderfully filling buffet lunch and the afternoon concludes with a keynote speaker and door prizes. Tickets are just \$8.00. For more information click the following link: <https://www.ecommunity.com/events/2019/fair-remember>

Community Hospital Touchpoint programs in the month of September:

Cooking with Cardon

September 19th at 2:00 p.m. Community Hospital South

Funeral Planning, Where to Start

September 3rd at 2:00 p.m. at Community Health Pavilion Speedway

September 11th at 3:00 p.m. at Community Hospital South

September 17th at 3:00 p.m. at Community Health Pavilion Washington

September 25th at 3:00 p.m. at Community Heart and Vascular Hospital

Veteran's Benefits

September 10th at 11:00 a.m. at Community Health Pavilion Washington

September 12th at 3:00 p.m. at Community Health Pavilion Speedway

September 18th at 3:00 p.m. at Community Hospital South

September 24th at 10:00 a.m. at Community Heart and Vascular Hospital

New to Medicare?

September 10th at 6:00 p.m. at Community Health Pavilion Speedway

September 17th at 6:00 p.m. at Community Hospital South

Alzheimer's, Late Stage Caretaking

September 12th at 9:00 a.m. at Community Health Pavilion Washington

September 28th at 6:00 p.m. at Community Health Pavilion Washington

More Knowledge for Your Noggin:

General Information Links:

Senior Centers in
Indianapolis: <http://www.seniorcitizensguide.com/indy/listings/seniorcenters.htm>

American Heart Association: <http://www.heart.org/HEARTORG/>

Indiana Chapter of the Alzheimer's
Association: <http://www.alz.org/indiana/>

Parkinson's Awareness Association of Central Indiana (PAACI)
<http://www.paaci.org/>

Huntington's Disease Society of America (HDSA)

<http://indiana.hdsa.org/>

Rock Steady Boxing <https://www.rocksteadyboxing.org/>

National Alliance for Mental Illness: <https://sites.google.com/site/namiindianapolis/home>

American Seniors Association <https://americanseniors.org/>

Medicare <https://www.medicare.gov/>

AARP <http://www.aarp.org/>

Retirement Life Matters <http://www.retirewow.com/>

National Institute on Aging <https://www.nia.nih.gov/health>



Resources & Links

American Seniors Association <https://americanseniors.org/>

Medicare <https://www.medicare.gov/>

AARP <http://www.aarp.org/>

Retirement Life Matters <http://www.retirewow.com/>

National Institute on Aging <https://www.nia.nih.gov/health>

National Alliance for Caregiving www.caregiving.org

Indianapolis Oasis Lifelong Adventure: <https://www.oasisnet.org/Indianapolis-IN>

The Shephard's Center of Hamilton County: <http://shepherdscenterofhamiltoncounty.org/contact/>

Community Health Network Touchpoint Services for Seniors <https://www.ecommunity.com/services/senior-services-touchpoint>

Primelife Enrichment, Inc. http://www.primelifeenrichment.org/Home_Page.html

Be sure to like and follow us on Facebook at <https://www.facebook.com/SevernsAssociates/>



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