

## FINANCIAL INSIGHTS

# What can an Elder Law Attorney do for you?

The title “Elder Law Attorney” is broad in the sense that an attorney practicing in this area handles many different matters.

An Elder Law Attorney counsels clients on issues that arise in basic estate planning, long-term care, and everything in between. But at the heart of what these attorneys do is to serve as an advocate for the elderly and their loved ones. Advocating for an elderly client typically occurs in three stages: pre-planning, emergency planning, and court involvement.

### PRE-PLANNING

In the pre-planning stage, an Elder Law Attorney assists you with planning for your future. Because your future is always somewhat of a mystery, an Elder Law Attorney can help you prepare for the unknown. Pre-planning is perhaps one of the most crucial aspects of an Elder Law Attorney’s role and may encompass Estate Planning, Medicaid Planning, Power of Attorney documents, and Long-Term Care Planning. In this stage, you will work closely with an attorney to think ahead about life events involving health, family, assets, business, and finances. The Attorney will assist you in assessing various planning options to carry out your wishes. Most importantly, this stage allows you



to make decisions for yourself and on your own, without the pressure of an immediate need to implement these decisions.

### EMERGENCY PLANNING

Of course, it is not uncommon to simply fail to engage in pre-planning, despite the knowledge that you should do so. And if you fail to pre-plan and find yourself in a situation in which you need assistance, an Elder Law Attorney can assist you in planning on an emergency basis. At the emergency planning stage, planning options available to you may be much more limited than at the pre-planning stage. There are increased restrictions on what an Elder Law Attorney may ethically do at this stage. For example, an application for Medicaid long-term nursing home benefits requires that an individual disclose all transfers of money made in the last 5 years. While in this emergency stage,

you may not be able to establish a Trust to hold your assets, for purposes of obtaining Medicaid eligibility, an Elder Law Attorney can assist you with other planning measures to ensure that your Medicaid eligibility is not denied. Even in the emergency stage, any planning is far more advantageous than no planning at all.

### COURT INVOLVEMENT

When there has been no planning at all, court involvement is likely in order to appoint someone with the authority to make decisions with regard to your health and finances. At this point, planning decisions for you will essentially be in a judge’s hands, however, an Elder Law Attorney can represent you through the process and advocate for your best interests.

If you or a loved one needs the assistance of an Elder Law Attorney, please contact our office today.

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## Rutkowski Law Firm - Port Huron

Rutkowski Law Firm is excited to announce a new partnership and a new presence in Port Huron, MI! Rutkowski Law Firm Port Huron, previously DeShon Law, will expand our team's ability to help families protect their assets across a broader section of southeast Michigan. Stacy DeShon, who founded DeShon Law in 2017, has joined Rutkowski Law Firm

to bring asset protection and elder law solutions to her community in Port Huron. Stacy attended Cooley Law where she discovered her passion for estate planning and helping families navigate the difficult topics of avoiding probate and long-term care planning.

**312 Superior Mall  
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HELPING FAMILIES  
WHILE PROVIDING PEACE OF MIND



HELPING FAMILIES:

## Mike Rutkowski

2021 has brought so much change. Many people have been talking about the potential changes in tax law that could be coming down the pipeline this year. We were contacted by a family who had concerns about this and needed our help. Mike Rutkowski was able to work with them to create a plan that would protect their assets from these tax liabilities using certain exemption strategies. The plan will allow for a significant portion of the family's estate to be protected for future generations without being subjected to detrimental levels of taxes. An added benefit of the strategy Mike worked to create for this family is that the growth of these protected assets will be exempt as well, allowing room for the clients to continue to build their family's future with the peace of mind that everything they worked for will be safe.



HELPING FAMILIES:

## Kendra Rozboril

Medicaid matters can seem overwhelming and difficult to navigate at times. Kendra was able to get Medicaid Nursing Home approval recently for a family whose situation required that no assets be spent on the nursing home. Mom was still living at home, and only Dad needed long-term care. And because the family had minimal assets, Mom needed all the money they had to continue with living expenses on her own. By utilizing a coordinated hands-on team approach between our office and the family, Kendra was able to quickly obtain and prepare all necessary documents for the Medicaid application. With this efficient and comprehensive approach, the entire process took less than 2 months! The family now has Medicaid Nursing Home approval for Dad, and Mom was able to keep the entirety of the family assets.