

ELDER LAW CHECK-UP FORM LEGAL PREPAREDNESS FOR RESPONSIBLE ADULTS

*You will discover how Elder Law improves upon traditional wills and trusts,
which give a false sense of security.*

		<u>Yes</u>	<u>No</u>
1.	How to Assess Your Attorney's Ability and Ethics		
1.1	Is your Attorney a member of the National Academy of Elder Law Attorneys (NAELA)?	<input type="checkbox"/>	<input type="checkbox"/>
1.2	Does your attorney regularly use the 2005 ethical standards adopted by NAELA?	<input type="checkbox"/>	<input type="checkbox"/>
1.3	Is your attorney a Certified Elder Law Attorney by the National Elder Law Foundation (ABA)?	<input type="checkbox"/>	<input type="checkbox"/>
1.4	Does your attorney practice <i>exclusively</i> in Elder Law?	<input type="checkbox"/>	<input type="checkbox"/>
1.5	Does your attorney regularly attend Elder Law educational conferences?	<input type="checkbox"/>	<input type="checkbox"/>
2.	Asset Protection In Case of Nursing Home Admission		
2.1	Have you considered buying Long Term Care (LTC) Insurance?	<input type="checkbox"/>	<input type="checkbox"/>
2.2	If you have LTC Insurance, has your attorney reviewed it?	<input type="checkbox"/>	<input type="checkbox"/>
2.3	Does your current Financial Power of Attorney have explicit Medicaid planning powers?	<input type="checkbox"/>	<input type="checkbox"/>
2.4	Do you have a deed in place to protect your home and other land from Medicaid spend down?	<input type="checkbox"/>	<input type="checkbox"/>
2.5	If Medicaid protection deeds are escrowed, have you signed an Escrow Agreement for them?	<input type="checkbox"/>	<input type="checkbox"/>
2.6	Does your attorney employ former Medicaid agency workers on staff to handle Medicaid applications?	<input type="checkbox"/>	<input type="checkbox"/>
2.7	Have you transferred a portion of investments to a Protective Trust?	<input type="checkbox"/>	<input type="checkbox"/>
3.	Probate Avoidance Strategies		
3.1	Have you set up a Living Trust?	<input type="checkbox"/>	<input type="checkbox"/>
3.2	If yes, is the Trust fully funded?	<input type="checkbox"/>	<input type="checkbox"/>
3.3	If no Trust, have you done a comprehensive Direct Distribution Plan?	<input type="checkbox"/>	<input type="checkbox"/>
4.	Have You Expressed Your Last Wishes as to Assets in Detail		
4.1	Have you filled out anti-bicker forms as to personal effects?	<input type="checkbox"/>	<input type="checkbox"/>
4.2	Have you provided detailed instructions to dispose of all other assets?	<input type="checkbox"/>	<input type="checkbox"/>
4.3	Have you reviewed your wishes within the past 4 years?	<input type="checkbox"/>	<input type="checkbox"/>

5. How Complete is Your Financial Power of Attorney (FPOA)
 - 5.1 Did you update your FPOA within the past 4 years?
 - 5.2 Is your FPOA immediately effective?
 - 5.3 Is your FPOA "durable" (endure after incapacity)?
 - 5.4 Does your FPOA have the key 8 Elder Law provisions (see attached)?
 - 5.5 Does your agent know where to find your FPOA?
6. How Complete is Your Medical Power of Attorney (MPOA)
 - 6.1 Is your MPOA recognized in other key States?
 - 6.2 Does your MPOA contain a back-up agent?
 - 6.3 Have you updated your MPOA within the past 4 years?
7. How Complete is Your Living Will (end-of-life care plan)
 - 7.1 Is your Living Will recognized in other key States?
 - 7.2 Does it cover terminal illness?
 - 7.3 Does it cover an irreversible coma?
 - 7.4 Does it cover end-stage dementia?
 - 7.5 Does it cover secondary illnesses?
 - 7.6 Does it cover personal wishes to loved ones & care givers?
8. Medical Record Privacy Releases (HIPAA Releases)
 - 8.1 Do you have a HIPAA release for loved ones to obtain medical records?
 - 8.2 Have you given your Elder Law Firm a HIPAA release?
 - 8.3 Is a HIPAA release contained in your POAs?
9. Are Your Prepared for a Health Care Crisis
 - 9.1 Did your lawyer provide you with laminated wallet cards with your agent's phone numbers?
 - 9.2 Have you discussed your end-of-life care wishes with your agent?
 - 9.3 Did your lawyer deposit advance directives with your doctor?
 - 9.4 Did your lawyer agree to fax a copy of directives at no cost in emergencies?
 - 9.5 Did your lawyer provide written explanations for future use of MPOA, Living Will and HIPAA releases?
 - 9.6 Are your advance directives in an organized binder for easy access?
 - 9.7 Did you sign a consent for your lawyer to release documents to loved ones when you have a medical crisis?

10. Living Arrangement Wishes In the Event of Disability
- 10.1 Do you have written directives on living arrangements in the event of disability?
- 10.2 Do your loved ones have a copy of them?
- 10.3 Does your attorney have a copy of them?
11. Do You Have a Plan to Prevent Falls
- 11.1 Have you taken action to prevent falls at home?
- 11.2 Do you have an SOS plan when a serious fall occurs?
12. Availability of Geriatric Care Manager (GCM)
- 12.1 Does your attorney have a GCM on staff to advocate in a crisis?
13. Availability of Local Financial Planner
- 13.1 Do you have an experienced local financial planner with whom you consult on an annual basis?
14. Stepped-Up Tax Basis Planning
- 14.1 Did your attorney prepare a plan for all capital assets (land and stocks) to receive a stepped-up tax basis upon your death?
15. Tax Planning With IRAs
- 15.1 Have you received professional directions on beneficiary designations for IRAs?
- 15.2 If married, did you name your spouse as primary beneficiary?
- 15.3 Have you assessed lifetime stretch-out opportunities for loved ones?
- 15.4 For those over 70 1/2, do you have a plan to avoid excise taxes?
16. Estate Tax Prevention (For Estates Over \$2.0 million)
- 16.1 Do you have an A/B Trust which has been updated within the past 4 years?
- 16.2 Do you have a plan to make annual gifts to loved ones?
- 16.3 Have you set up a Life Insurance Trust?
17. Estate Plan Maintenance Organization
- 17.1 Did your attorney provide you with an organized binder for your estate plan?
- 17.2 Do you keep your binder in a fire safe place?
- 17.3 Do you have a plan to review your estate plan every 4 years with your attorney?
- 17.4 Do you receive an annual newsletter from your attorney about law changes?
18. Do You Have Detailed Instructions on What To Do Upon Death
- 18.1 Have you signed a consent form to lawyer to release documents to loved ones?
- 18.2 Have you stated funeral preferences?

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| 18.3 | Have you stated organ donation wishes? | <input type="checkbox"/> | <input type="checkbox"/> |
| 18.4 | Have you inserted beneficiary designations in your Binder? | <input type="checkbox"/> | <input type="checkbox"/> |
| 18.5 | Have you collected asset statements in your Binder? | <input type="checkbox"/> | <input type="checkbox"/> |
| 19. | Have You Documented Your Life Story and Ethical Will | | |
| 19.1 | Have you documented your life story (tape or written form)? | <input type="checkbox"/> | <input type="checkbox"/> |
| 19.2 | Have you documented your values, instructions and blessings for loved ones? | <input type="checkbox"/> | <input type="checkbox"/> |
| 20. | Have you Assessed Veterans Benefits (Only for Veterans) | | |
| 20.1 | Did your attorney assess VA benefits for health care? | <input type="checkbox"/> | <input type="checkbox"/> |

There are 71 questions above. If you have answered any of them "no", you should meet with an experienced Elder Law Attorney to correct the defect.

Law Firm Disclaimer: The above list is a general list and it cannot replace a specific analysis of your plan by an experienced Elder Law Attorney.