

Ellen Makofsky:

Who's going to make medical decisions for them if they can't make their own medical decision? Who is going to take care of their finances if they can't do that by themselves? And of course, how do I pay for long-term care?

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Those people who were looking for an elder law attorney want to make sure that they have a plan in place for distributing their assets after their death. They want to make sure they have a plan for disability. The elder law attorney will explore all of these issues with the client. When looking for a plan to put in place to make sure you have somebody to take care of your finances, often, I look to creating a power of attorney or client with powers that I think will suit that particular client. Not all powers of attorney are the same. I will, often, think about creating a trust for the client so that the client has a trustee to step into their shoes and take care of their finances. Sometimes, when a client hasn't done any planning in advance and becomes incapacitated, we need to go to the courts and pursue a guardianship proceeding to have a guardian put in place so somebody could take care of the incapacitated person's finances.