



Legal Considerations With Senior Homes

Because the laws surrounding senior issues are so complicated, actions like selling senior homes can affect areas that seem unrelated but are critical to a senior's well-being, such as qualification for senior benefits. It is important to retain the services of an attorney who specializes in senior homes and elder law, who can structure legal documents and transactions in a way that protects the assets, benefits and rights of an aging parent.

An attorney could be beneficial in many parts of the sale of a senior home and the moving process, including:

- Estate and trust planning to minimize taxation on the sale of senior homes
- Power of attorney and healthcare directives in the event of a parental illness, incapacity or death during the listing period or prior to the closing
- Disposition of personal property/senior homes in a will
- Examining potential effects of the sale of a senior home on other sources of income and benefits
- Reviewing all documents and contracts related to the sale of a senior home
- Identifying and assessing qualification for senior assistance programs
- Assessing and reviewing contracts with residence facilities such as assisted-living centers and senior nursing homes

Elder law attorneys understand issues specific to seniors and have extensive knowledge across a number of senior-related areas. According to the National Academy of Elder Law Attorneys, some of these issues include:

- Preservation/transfer of assets to avoid spousal impoverishment when spouse enters a senior nursing home
- Medicaid planning
- Medicare claims and appeals
- Social security and disability claims and appeals
- Disability planning, including use of durable power of attorney, living trusts, and "living wills," for financial management and healthcare decisions, and other means of delegating management and decision-making to another in case of incompetency or incapacity
- Conservatorships and guardianships
- Retirement, including public and private retirement benefits, survivor benefits and pension benefits
- Estate planning, including planning for the management of one's estate during life and its disposition on death through use of trusts, wills and other planning documents
- Probate
- Administration and management of trusts and estates
- Long-term care placements in senior nursing homes and life care communities
- Nursing home issues including patient's rights and nursing home quality
- Elder abuse and fraud recovery cases
- Health law
- Mental health law

*Most elder law attorneys do not specialize in every one of these areas. Be sure to ask which of these matters he/she handles.